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General Assembly

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Official Records

74th plenary meeting
Thursday, 12 December 2002, 10 a.m.
New York

President: Mr. Kavan ..... (Czech Republic)

In the absence of the President, Mr. Mamba (Swaziland), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 25 (*continued*)

Oceans and the law of the sea

Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its third meeting (A/57/80)

(a) Oceans and the law of the sea

Report of the Secretary-General (A/57/57 and Add.1)

Draft resolution (A/57/L.48/Rev.1)

(b) Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments

Report of the Secretary-General (A/57/459)

Draft resolution (A/57/L.49)

(c) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Draft resolution (A/57/L.50)

The Acting President: In connection with this item, the Assembly now has before it a revised version of draft resolution A/57/L.48, issued yesterday as document A/57/L.48/Rev.1.

Mr. Sinaga (Indonesia): My delegation deems it a distinct pleasure to take the floor during the General Assembly's consideration of the item entitled "Oceans and the law of the seas" to commemorate the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS). Indeed, it is also most auspicious to mark the tenth anniversary of the adoption of Agenda 21, chapter 17 of which contains a comprehensive strategy for the sustainable development of the oceans and seas. This occasion offers us a unique opportunity to take stock of our accomplishments so far and to determine a course of action for taking the implementation of those remarkable instruments forward.

Before proceeding further, allow me to commend the staff of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs for the outstanding work carried out during the past years. My

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delegation would also like to thank the Secretary-General for the comprehensive reports before us.

Today, two decades later, it is relevant to reflect on the growing universal participation in and adherence to the legal framework laid down by UNCLOS. Moreover, the operation of the three institutions created by the Convention attests to the fact that this landmark instrument has not only paved the way for the implementation of a universal legal framework governing the world's oceans, but also for the regulation of those areas for which it was established.

In this regard, the International Seabed Authority opened a new chapter in the evolution of law of international organizations in general. Apart from being directly involved in a commercial activity, the Authority represents humankind, and it currently has seven registered pioneer investors for the exploration of polymetallic nodules. On the other hand, the International Tribunal for the Law of the Sea has already heard 10 cases, while the Commission on the Limits of the Continental Shelf has already received its first submission with respect to the establishment of the outer limits of their continental shelves. Other significant developments include the 11 sessions held by the Meeting of the States Parties to the Convention. All these developments certainly bode well for establishing global governance for the seas and the oceans.

The true success of UNCLOS, of course, lies in the commitment of Member States to fully abide by its provisions. Since its entry into force, the fact that 138 Member States have deposited instruments of ratification as of mid-September 2002 augurs well for the universality of UNCLOS, especially by enhancing the widest possible participation of the global community. The full realization of UNCLOS requires cooperation of great magnitude, going beyond the present and well into the future, thereby serving the interests of future generations to reap the immense benefits of the oceans, while protecting the environment and promoting sustainable development.

In this respect, we cannot but underscore the progress made in advancing international cooperation. The present system of cooperation includes projects and programmes at all levels — global, interregional, regional, subregional and bilateral.

In this twenty-first century, it is imperative that we exert our concerted efforts in adopting an integrated, interdisciplinary and intersectoral approach, given that the problems of the oceans are closely interrelated. Towards this end, the role of the Division for Ocean Affairs and the Law of the Sea, as the focal point for a coordinated and integrated approach to law of the sea activities, should be further strengthened.

As an archipelagic State, Indonesia has consistently attached the utmost importance to questions pertinent to the law of the sea. Our firm support of UNCLOS is reflected by our active participation in all its bodies since the outset, and my Government will continue to play an active role.

Since its ratification of UNCLOS in 1986, it has been a priority of the Indonesian Government to adopt new legislation, as well as to update earlier regulations, in order to ensure conformity with the provisions of UNCLOS itself. Indonesia had long recognized that the rights of States go hand in hand with their respective responsibilities, especially with regard to the protection of the marine environment, the proper management of ocean resources and the necessary protection of the rights of other countries.

It is pertinent to note that in 1998 my Government had already submitted to the United Nations its list of geographical coordinates of the archipelagic baselines of Indonesia in the Natuna Sea. Such a regulation was considered necessary due to our proposal of archipelagic sea lanes, taken in accordance with UNCLOS, and later adopted by the International Maritime Organization (IMO) in May 1998. Furthermore, cognizant of the fact that this was the first instance whereby the IMO adopted a system of archipelagic sea lanes, it is noteworthy that its Maritime Safety Committee had instructed the Subcommittee on Safety and Navigation to develop a safety of navigation circular and invite the participation of archipelagic States in that exercise.

My Government took the aforementioned steps in line with relevant General Assembly resolutions, which, inter alia, call for States to harmonize national legislation with the provisions of UNCLOS as a matter of priority.

Rapid technological advances in science and technology offer unique opportunities to tap the resources of the vast seas, as well as to face the challenges of preserving the marine environment, while ensuring that ocean resources are managed in a sustainable manner. All of these objectives can be

achieved if we are able to strike the right balance between nature and the needs of humankind. We should, therefore, exert efforts, through a spirit of cooperation and understanding, to enhance global interaction, in order to fully utilize the oceans and seas, including those beyond national jurisdictions, for the common heritage of mankind.

Aware of the fragility of the ecosystem of the Indonesian archipelagic waters, which are threatened both by land-based as well as vessel-sourced pollution, Indonesia is working towards ensuring that its surrounding waters are utilized in an integrated and sustainable way in order to maintain environmental quality and to provide the maximum benefit for its national development. In this regard, it is appropriate to recall the provisions of Agenda 21 and the Jakarta Mandate, which called for the improved implementation of a global programme of action to protect the marine environment. Towards this end, Indonesia, in cooperation with Norway, has carried out an Indonesian Country Study on Integrated Coastal and Marine Biodiversity Management. As an archipelagic State with the associated problems posed by population growth and various economic activities, Indonesia places great importance on integrated coastal zone management, and has tackled these complex questions by establishing an Indonesian National Maritime Council.

Indonesia believes that the regional approach is significant in promoting cooperation in marine affairs. Throughout the years, it has demonstrated its commitment to regional cooperation through the Association of South-East Asian Nations (ASEAN) mechanisms, as well as through other regional and international organizations to which it belongs. Indonesia is gratified by the positive outcome of a series of Workshops on Managing Potential Conflict in the South China Sea, particularly in terms of enhancing regional cooperation and promoting confidence-building measures to assure peace and stability in the South-East Asian region.

My delegation welcomes the commitments contained in the Plan of Implementation adopted by the World Summit on Sustainable Development, including the sustainable development of the oceans, sustainable fisheries and conservation, as well as management of the oceans. It is important to reiterate in this context that, for developing countries, technical cooperation is essential to meet their responsibilities and to enhance their ability to participate in pursuing fishing endeavours in a sustainable manner. Having said this, it is essential that the relevant international organizations, financial institutions and the donor community assist developing countries to build the capacity to redress inconsistencies, both nationally and internationally, in the implementation of UNCLOS and Agenda 21.

Given the need for inter-agency coordination, in view of the fact that the problems of the oceans are closely interrelated and should be considered as integrated, my delegation finds no difficulty in accepting the establishment of an effective, transparent and regular inter-agency coordination mechanism for oceans and coastal issues within the United Nations system. However, we underscore that it must be entrusted with a clear mandate and be established on the basis of principles of accountability.

Mr. Suazo (Honduras) (*spoke in Spanish*): Allow me at the outset to associate myself with the words of Ambassador Bruno Stagno, Permanent Representative of Costa Rica, who spoke recently on behalf of the Rio Group. My delegation wishes nonetheless to highlight a few brief points on the law of the sea and the oceans.

I would like first to emphasize that Honduras participated actively in the preparatory process and in the negotiations that led to the United Nations Convention on the Law of the Sea, culminating in our signing of the Convention in Montego Bay. In 1993, our Parliament ratified the Convention, which entered fully into force in 1994.

Celebration of the twentieth anniversary of the signing of that instrument represents for us unparalleled progress in the history of maritime regulation, and together with the establishment of the International Seabed Authority, with its headquarters in Montego Bay, and the recently established International Tribunal on the Law of the Sea, constitutes, my delegation believes, unprecedented progress in that field, which will undoubtedly make it possible for us to make solid progress in achieving our aspiration for international peace and security, at least with regard to the law of the sea. Honduras, as of January 2003, will be a part of the Council of the Seabed Authority in category D.

Our country has followed with great interest the development and the implementation of the Convention. Very early on, when it was ratified, we began to implement its principles and guidelines,

which form part of all of our maritime delimitation negotiation processes. Thus, in 1986, we signed the Maritime Delimitation Treaty with Colombia, and, in 2001, we began maritime negotiations with the United Kingdom on Grand Cayman.

We have participated in all negotiating processes in good faith, in keeping with and strictly observing international law, seeking equitable agreements and results.

Honduras has also participated in the negotiation process sponsored by the Organization of American States (OAS), in order to reach a satisfactory agreement among the three coastal States — Guatemala, Belize and Honduras — regarding the maritime spaces in the Gulf of Honduras in the Caribbean Sea. Our country is also involved in advanced maritime delimitation negotiations with Cuba and has also established preliminary contacts with Mexico in the framework of the Caribbean Conference on Maritime Delimitation, sponsored by the Mexican Government with the support of the United Nations.

Because the Caribbean Sea is considered a semi-enclosed sea, some bilateral delimitations have led to controversy; for example, the case between Honduras and Nicaragua, which is before the International Court of Justice. Honduras has a tradition of respect for and compliance with international law and with the rulings of competent international tribunals.

Honduras has elevated that historic tradition to the level of a constitutional norm in the sense that, in the event of conflict between domestic legislation and international law, international law will prevail, as stipulated by the Constitution.

In the Pacific Ocean, the International Court of Justice in 1992 ruled on the legal status of the maritime spaces within the Gulf of Fonseca and the adjacent maritime spaces of the Gulf; in other words, the territorial sea, the exclusive economic zone and the continental shelf. Honduras trusts that full respect for the ruling of the world's highest tribunal will prevail in the Gulf of Fonseca and in the Pacific Ocean on the part of all, including Honduras's immediate neighbours. The operative part of the 1992 ruling must be fully implemented to ensure cooperation among the coastal countries of the Gulf, protection of the environment, the development of the communities neighbouring the Gulf, maintenance of navigation channels and respect for freedom of transit and other rights established in and guaranteed by the United Nations Convention on the Law of the Sea. That is our fervent hope.

Finally, I would like to highlight the unrestricted support that my Government will give to the draft resolution contained in document A/57/L.48/Rev.1.

Mr. Akinsanya (Nigeria): As this Assembly continues the commemoration of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea, my delegation joins other delegations and individuals who have spoken before me in paying glowing tributes to those pioneers who played significant roles in all the processes of the painstaking negotiations that led to the Convention. We applaud the contributions of these statesmen and also those who actively participated in the Third United Nations Conference on the Law of the Sea and the Seabed Conference that preceded it. In addition, we acknowledge the positive groundwork of the Preparatory Commission that followed the Conference.

The Convention on the Law of the Sea remains one of the most important achievements of the United Nations. It has to date played the much expected role of ensuring peaceful uses of oceans and their resources. The three bodies established under the Convention, namely the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, have all played significant roles towards the implementation of the Convention. For example, the decisions of the International Tribunal for the Law of the Sea have continued to add value to the jurisprudence of international law of the sea and to its progressive development and codification, thereby fostering international peace and security.

My delegation commends the Secretary-General for his comprehensive report on oceans and the law of the sea (A/57/57). We note with interest the report of the United Nations Open-ended Informal Consultative Process on oceans and the seas. We commend the co-Chairpersons of the Consultative Process, Ambassador Slade and Mr. Alan Simcock, for their illuminating report. In particular, we note the emphasis of the report on capacity-building and the protection of the marine environment, which are of particular importance to Nigeria and other developing countries. We appreciate the contributions of the Division for Ocean Affairs and

the Law of the Sea of the Office of Legal Affairs of the United Nations, to the study and overall development of matters relating to oceans and the law of the sea.

The United Nations Convention on the Law of the Sea has established the necessary legal framework to promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources and the conservation of their living resources, as well as the study, protection and preservation of the marine environment. The universality of the Convention is no longer in doubt, as 138 States are now parties to it. It is also not surprising that the number of States parties to the Agreement relating to the Implementation of Part XI of the Convention has risen to 107. It is also gratifying to note that the number of States parties to the 1995 Fish Stocks Agreement has increased to 32. In this regard, Nigeria is taking the necessary steps to accede to the two Agreements.

As a coastal State, Nigeria attaches great importance to the protection of the marine environment and marine resources and to its sustainable development. We see an urgent need for the implementation of Part XII of the Convention, in order to protect and preserve the marine environment and its living resources against pollution and physical degradation. We are aware that marine pollution has increased in recent times. Consequently, we urge the international community to focus greater attention on the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities and other activities that degrade the environment.

In these efforts, the relevant national agencies in my country, Nigeria, are collaborating to preserve the marine environment by monitoring pollution, the dumping of toxic, radioactive and chemical substances, as well as oil spillage. These agencies, on a regular basis, prescribe and monitor safety standards, particularly for oil companies operating in the country. For instance, the Niger-Delta Development Commission, one of those agencies, employs an integrated approach to development in the Niger-Delta area of southern Nigeria. The thrust of the Commission's activities is to develop adequate infrastructural facilities such as good roads, efficient drainage systems, a reliable power supply and telecommunications. It also aims to provide employment opportunities for Nigerians, particularly the indigenous of the area. The goal is to achieve a delicate balance between development and environmental protection, within the framework of the concept of sustainable development.

It is also for this reason that Nigeria and other countries within the Gulf of Guinea have established the Gulf of Guinea Commission to ensure the regulated and sustainable exploitation of the marine resources of the area, for the mutual benefit of the member States and their peoples. Other objectives of the Commission include minimizing conflicts, enhancing the security of member States, as well as providing a credible forum for facilitating their peaceful coexistence and promoting the socio-cultural development of the area.

As I mentioned earlier, capacity-building in all aspects of ocean affairs is of crucial importance to the developing countries. It is common knowledge that these countries are disadvantaged in terms of the acquisition of technology and of expertise relating to activities in the oceans. They also lack the appropriate skills and technology in the areas of the exploration and exploitation of seabed minerals, conservation and protection of marine resources, coastal management, marine scientific research, and in the preparation of submissions to the Commission.

Most of these countries also do not possess the relevant expertise and tools needed to combat pollution and the dumping of toxic and chemical waste. Consequently, regular training of the necessary skilled personnel; the provision of the appropriate equipment, facilities and vessels; and the transfer of environmentally sound technologies to such countries is imperative in order to assist them to eliminate these shortcomings. In this regard, we are happy to note that article 202 of the Convention obliges those States with the relevant technology to render technical assistance, either directly or indirectly, to developing countries to enable them to protect their marine environment.

Nigeria also welcomes the various trust funds established under the Convention for the benefit of developing countries. Of particular importance in this connection is the Trust Fund established under article 76 of the Convention for the preparation of submissions to the Commission on the Limits of the Continental Shelf. We therefore appeal to the developed countries and to the international financial institutions to contribute generously to the trust funds, which will enable them to respond positively to the

needs of those Member States that require such assistance.

In conclusion, Nigeria also recognizes the importance of the oceans and the seas for the provision of vital resources for food security and for the sustenance of economic prosperity. Like others, we believe that the problems of the oceans and the seas are interrelated and should therefore be considered in a holistic manner, through an integrated, inter-disciplinary and intersectoral approach, in accordance with the unified character of the Convention. We call on the States parties to the Convention and, indeed, on all Members of the United Nations, as well as non-State actors, including international financial institutions, to address these myriad problems through effective coordination, cooperation and partnership.

It is also important that all stakeholders regularly exchange relevant information and, above all, actively deploy adequate human and material resources to resolve existing problems. In so doing, Member States and, indeed, the international community would be contributing effectively to the sustainable exploration and exploitation of the oceans and seas, as well as to the preservation of the ecosystem, for the benefit of present and future generations.

Mr. Kipkemei Kottut (Kenya): This is a historic moment for the world's oceans and seas, as it marks the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS). My delegation expresses its appreciation to the Secretary-General for his report (A/57/57), to the staff of the Division of Ocean Affairs and the Law of the Sea for organizing yesterday's event, and to the high-level committee of Ambassadors who guided the process. Our felicitations go also to those delegations that introduced the three draft resolutions under agenda item 25.

The Montego Bay Convention of 1982 is a very important achievement for the international community. It is a multifaceted Convention and represents a monumental achievement of international cooperation in the treaty-making process. It took more than a decade of delicate negotiations, with many sacrifices made, to reach a solid balance in order to resolve the problems relating to oceans and the law of the sea. Kenya is proud to have been a part of this process and congratulates all those that participated in the Third United Nations Conference on the Law of the Sea. Let me recall that, on the first day of its opening for signature, there were a total of 119 signatures and one ratification. This demonstrated the wide acceptance of the treaty. This unprecedented support has increased and now 142 States Members and one international organization are parties to the Convention. Given this steady progress, we hope that the legal regime established by the treaty will soon become universally accepted.

My delegation supports the two international instruments that have emanated from the Convention: the Agreement relating to the Implementation of Part XI — Kenya is among its 104 States parties — and the 1995 Fish Stocks Agreement. With respect to the latter, a Cabinet memorandum is before the Kenyan Cabinet and will soon be passed, thereby enabling Kenya's accession to the Agreement.

Kenya attaches great importance to the Fish Stocks Agreement. With wide implementation, this Agreement will allow for the sustainable exploitation of fisheries. This approach is favoured by my delegation, as it benefits the coastal communities whose livelihoods depend on fishing. We strongly believe that the consensus reached in other world forums on sustainable fisheries, as reflected in chapter 17 of Agenda 21, and the outcome of the Johannesburg World Summit on Sustainable Development, should be implemented fully and frankly by all concerned. Illegal, unregulated and unreported fishing should not be allowed, as it affects the right of coastal States, including Kenya, in the exclusive economic zones and on the high seas.

UNCLOS sets up a pivotal, delicate, binding legal regime for the protection of the marine environment and the exploitation of ocean resources. This must be respected by all who value the protection of the sea and its resources. The consensus reached at Rio, Monterrey and Johannesburg, as well as the relevant United Nations resolutions, reinforce the Treaty. My delegation calls on the international community to respect and implement the programmes elaborated therein. That will enable us to move forward; without their harmonization with the treaty, little success will be achieved on issues relating to oceans and the law of the sea. We are gratified that the three draft resolutions — A/57/L.48, L.49, and L.50 — mention the outcomes. In particular, we welcome the fact that draft resolution A/57/L.50 makes substantive reference to the needs of African States, as contained in the

African Process for the Development and Protection of the Marine and Coastal Environment in Sub-Saharan Africa. That initiative deserves special attention.

The Government of Kenya welcomes the fact that the organs established under the 1982 Convention, namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf, are now conducting business on behalf of the Organization. My delegation commends the distinguished leaders of those bodies.

My delegation is pleased to note that the International Seabed Authority has made steady progress in discharging its mandate. It has held eight sessions, and its organs, including the Council, the Technical and Legal Commission and the Finance Committee, undertook fruitful work during the most recent session. The Council has examined the annual report on prospecting and exploring for polymetallic nodules in the Area, on the basis of contracts concluded with the pioneer investors. Furthermore, progress has been made on the consideration of appropriate legislation on prospecting and exploring for hydrothermal polymetallic sulphides and cobalt-rich ferromanganese crusts.

We trust that the Authority will carry out its activities fully, in accordance with the Convention, for the benefit of all humankind. My delegation supports the improvements made during the most recent session of the Authority with regard to the trust fund to meet travel costs to enable the developing country members of the Finance Committee and the Legal and Technical Commission to attend the meetings of the Authority. It is the view of my delegation that such a fund should be permanently established, as it will provide for inclusive discussions on the subjects before the Authority.

The Convention provides for a peaceful and compulsory means of dispute settlement through the Tribunal. Kenya believes in, and upholds the principle of, the peaceful settlement of disputes by parties. However, the Tribunal is well placed, under the provisions of UNCLOS, to consider binding decisions based on the interpretation and implementation of the Convention. We note with satisfaction that, in the short period of its existence since its inauguration in 1996, the Tribunal has successfully heard 11 cases. This is a significant contribution to international peace and security on maritime issues. Kenya will continue to support the work of the Tribunal.

My delegation takes note of the progress in the work of the Commission on the Limits of the Continental Shelf since it was established in 1997. We appreciate the efforts of the Organization, the meeting of the States parties and the Commission to assist States in making submissions on the outer limits of the continental shelf. The complexity of the process demands that States and relevant institutions and organizations assist developing countries to build their capacity by availing themselves of training courses to enable and assist them to make submissions, as required by article 76 of UNCLOS. My delegation would like to thank Norway for its contributions to the trust fund established for that purpose, and we express warm appreciation to all those who are working towards that end.

In conclusion, my delegation would like to endorse the observations made by the Secretary-General in his report that the world's oceans are an important supplier of food, minerals, goods, services and energy and a repository of national, regional and global security, as well as an essential part of the biosphere. For these reasons, Kenya calls upon those who have not ratified and supported the implementation of the legal regime established by UNCLOS and other non-binding frameworks to do so.

The Acting President: Before giving the floor to the next speaker, I wish to make an appeal. While I appreciate the need for consultation, I appreciate even more the need for quiet in the Hall, especially when statements are being made. I humbly request the cooperation and understanding of representatives.

Mr. Beyendeza (Uganda): Uganda was an active participant in the entire negotiation process of the United Nations Convention on the Law of the Sea (UNCLOS). It gives us great pleasure, therefore, to witness this milestone celebration of 20 years of existence of the Convention.

It is indeed fitting that the United Nations has decided to hold a special ceremony to celebrate the contributions of the many individuals who worked tirelessly to breathe life into the Convention. Without their expertise, vision and commitment, the Convention would not have been concluded and that would, of course, have robbed the world of an outstanding model for international treaties, which has spurred nations to

strive to safeguard the high seas as the common heritage of mankind.

One need only look at the statistics to see evidence the good work done by the Convention. The fact that only 31 out of 152 coastal States have yet to become parties to the Convention, while an impressive total of 138 States are parties, attests to the universal recognition that it has as an international model treaty. We eagerly look forward to the eventual universal ratification of the Convention, which appears to be likely in the foreseeable future.

It is 12 years since Uganda became a State party; we are one of the 16 landlocked States parties. The United Nations Convention on the Law of the Sea has been instrumental in acting as a check on the exploitation of marine resources and the alteration and destruction of aquatic habitats. It is true that globally we continue to face a paradoxical situation, with approximately one quarter of fish stocks being over-fished, while only one half fully is utilized elsewhere. Since 1982, however, the United Nations Convention on the Law of the Sea has been instrumental in alerting the world to the need for food security and the protection of the livelihood of people in coastal areas, particularly those in developing countries. It has also been vital for the promotion of marine scientific research. The past two decades have witnessed an increase in marine research for the collective good of mankind. That has fostered sustainable development in many coastal zones and has held Governments accountable for the manner in which they exploit the resources of the sea.

Uganda would particularly like to applaud the creation and the functioning of the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea. Without a doubt, those three organs have permitted the attainment of some of the goals set forth in the Convention in the areas of custodianship of the common heritage of mankind, jurisdiction and the settlement of disputes. We note the significant milestone of the International Seabed Authority's conclusion of 15-year contracts for exploration for polymetallic nodules in the areas approved by the Assembly in 2000.

I should like to express Uganda's gratitude to the United Nations for the work of its specialized agencies covering various aspects of ocean affairs and the law of the sea. That has enabled countries such as Uganda to gain access to information and guidance on issues pertinent to our particular situation as a landlocked developing country and to participate in international meetings.

The annual consideration and review of all developments pertaining to ocean affairs and the law of the sea has found support in General Assembly resolutions every year. In that regard, Uganda appreciates the review of developments in ocean affairs contained in the Secretary-General's report on oceans and the law of the sea (A/57/57 and Add.1) submitted to the General Assembly at its current session.

As a landlocked developing country, Uganda welcomes the establishment, in General Assembly resolution 55/7 of 30 October 2000, of a trust fund whose purpose is to facilitate the preparation of submissions to the Commission on the Limits of the Continental Shelf by developing countries and small island developing States. We thank Norway for its generous donation to the fund, and we encourage other Member States to make similar donations. It is our sincere hope that, contrary to past experience, reimbursements will be made to all approved applicants in order to fulfil the purposes for which the fund was established. Access to the fund is also vital in order to finance the training of personnel in developing countries and to enable those countries to prepare submissions to the Commission. In addition, we wish to express our appreciation for the various workshops, training courses and symposiums carried out this year.

It will be recalled that, at the World Summit on Sustainable Development, held at Johannesburg, the oceans and the implementation of the United Nations Convention on the Law of the Sea were dealt with in parts IV and VII of the Plan of Implementation. The Summit identified oceans-related matters requiring efforts aimed at sustainable development and recognized that the oceans and seas are essential components of the Earth's ecosystem. They are also critical for global food security, and many national economies are dependent on them to achieve sustained economic growth and to meet nutritional concerns; this is of particular importance for developing countries. The Summit further emphasized that there was a need to establish an effective, transparent and regular inter-agency coordination mechanism on ocean and coastal issues within the United Nations system. We eagerly await the establishment of such a mechanism.

We wish to reiterate the Summit's call for the elimination of subsidies that contribute to illegal, unregulated fishing and to over-capacity exploitation. At Johannesburg, it was recognized that developing countries need financial assistance in order to develop their national, regional and subregional capacities for infrastructure development, integrated management and the sustainable use of fisheries. Uganda, in conjunction with its East African Community partners, is currently engaged in such regional integration in sustainable fishing in Lake Victoria. We are pleased to report that great strides have been made in that area with the assistance of a number of development partners.

Uganda believes that, if the Johannesburg Plan of Implementation is effectively carried out, it will foster global sustainable development, as envisaged in Agenda 21, which is the blueprint for global sustainable development.

Mr. Dauth (Australia): It is with a sense of real satisfaction that Australia joins in the celebration of the twentieth anniversary of the adoption of the United Nations Convention on the Law of the Sea. The Convention is of fundamental importance to my country; it defines our jurisdiction, our resources and our environmental obligations. It is the foundation of our entire approach to the oceans under our jurisdiction and beyond.

Twenty years on, the Convention is indeed proving itself to be the constitution for the oceans. It remains the touchstone of all of our efforts aimed at oceans governance. With a number of accessions made yesterday to the Convention, we are moving closer to universal application of the Convention. This morning, I want particularly to recognize and welcome the accession of our friend and our Pacific neighbour, Tuvalu. We hope that other States will soon follow.

Australia was pleased that oceans issues were accorded their due prominence at the World Summit on Sustainable Development. The section on oceans and coasts in the Summit Plan of Implementation is an indication of how far the international community has come in its consideration of oceans issues in the past 20 years. The Plan of Implementation provides a detailed blueprint for action at the national, regional and global levels to ensure marine environmental protection and the conservation and sustainable management of the world's oceans.

Australia is taking action to put in place a framework for integrated oceans management. Following the adoption of Australia's oceans policy in 1998 and the subsequent creation of Australia's National Oceans Office, work on a draft of the first regional marine plan, covering a significant portion of Australia's exclusive economic zone, is almost complete. It ushers in a new era of governance for one of the largest exclusive economic zones in the world. It will provide the basis for the biodiversity, conservation and sustainable management of all of Australia's ocean areas.

There have also been significant developments in the Pacific region. Many of them were set out in the statement made by the Permanent Representative of Fiji on behalf of the Pacific Islands Forum group, which we, naturally, fully endorse. However, Australia wishes to recognize and applaud the adoption by Pacific island leaders of the Pacific Regional Ocean Policy.

The United Nations Open-ended Informal Consultative Process on Oceans has made a major contribution to the General Assembly's consideration of oceans over the past few years, deepening our understanding of key issues, enriching our discussions and facilitating improved implementation of the Convention. Australia welcomes the decision to continue the Process for another three years. We also look forward to the establishment of an effective inter-agency coordination mechanism which can ensure an integrated approach to oceans governance at the global level.

The entry into force of the United Nations Fish Stocks Agreement late last year is a milestone in international efforts to achieve sustainable fisheries practices. As members know, the Agreement requires States to cooperate to ensure that highly migratory and straddling fish stocks are sustainably conserved and managed for the benefit of present and future generations and sets out a template for effective management of regional fisheries. It requires strong conservation and management measures which take into account not only the sustainability of target stocks, but also the impact on marine ecosystems. Australia urges all States to become party to the Agreement as soon as possible, and to implement its provisions. It is fundamental to achieving sustainable fisheries.

Illegal, unreported and unregulated fishing represents a serious threat to the sustainability of many of the world's fisheries. We need to be clear: illegal, unreported and unregulated fishing is a breach of the Convention. All States must cooperate to prevent it. Coastal States cannot do it alone. Illegal, unreported and unregulated fishing is a global problem and consequently global cooperative action is needed to address it. Flag States, States of nationality, port States and market States must also act.

The Plan of Implementation of the World Summit on Sustainable Development calls on all States to urgently develop and implement national and regional plans of action to prevent, deter and eliminate illegal, unreported and unregulated fishing by 2004, and to establish effective monitoring, reporting and enforcement, and control of fishing vessels. Australia strongly endorses that call.

In this context, Australia is disappointed that, in relation to illegal, unreported and unregulated fishing, some States seem more zealous in exercising their rights, especially as flag States, than in fulfilling the obligations which come with those rights. This must change, and it must change rapidly. The environmental and other damage being done by such fishing is too great to tolerate any longer. Australia believes it is time for the international community to act against those States which do not implement existing international obligations and whose flag vessels and nationals persistently support or engage in illegal, unreported and unregulated fishing. The international community must urgently develop and apply fair, transparent and non-discriminatory measures to penalize "free-rider" States and prevent such fishing. These measures should be widely and consistently applied through relevant regional management organizations.

The omnibus draft resolution on the law of the sea (A/57/L.48/Rev.1) urges Member States to work cooperatively and with the International Maritime Organization to strengthen measures to prevent the embarkation of ships involved in smuggling of migrants. Australia endorses that call, and over the past year has initiated a regional process to combat the smuggling of people, including the smuggling of people by sea. We will continue our efforts on this issue.

In closing, I want to express Australia's support for the three draft resolutions which are before the General Assembly under this item. We thank the coordinators for their work, and the Secretariat for its assistance. Australia is pleased to sponsor these texts.

Ms. Geddis (New Zealand): New Zealand warmly associates itself with the statement presented by the Permanent Representative of Fiji on behalf of the States of the Pacific Islands Forum, of which New Zealand is a member. We would also like to add a few additional comments to the debate on our own behalf.

This year is a particularly significant one for the issues of oceans and the law of the sea. Our debate marks the 20th anniversary of the opening for signature of the United Nations Convention on the Law of the Sea (UNCLOS). The continuing fundamental relevance of the Convention and its principles was reaffirmed and given modern expression by our leaders at the Johannesburg World Summit on Sustainable Development in August 2002. The Plan of Implementation adopted in Johannesburg included a chapter that directly addressed oceans issues. New Zealand welcomes the commitments made at the Summit in this area, and we are pleased to see that many of those commitments have been taken a step forward in the text of the draft resolutions prepared under this item.

A continuing area of importance and concern to New Zealand is the effective integrated management of oceans and coastal areas, including the protection of marine biodiversity. As a coastal State with a large area of marine space under our jurisdiction, we are conscious of the many interconnected impacts of the uses of the ocean on its environment. Accordingly, we particularly welcomed the recognition at the Johannesburg Summit of the need to establish a representative network of marine protected areas in order to provide full protection to the many thousands of species that make their home in the sea and its varied habitats. We are conscious also of the need to take new approaches to the management of oceans activities, including fishing activities. In that spirit, New Zealand, together with Australia and the Food and Agriculture Organization of the United Nations (FAO), will host an international conference, Deep Sea 2003, in December next year in order to identify and discuss issues relating to the science, governance and management of deep-sea fisheries.

The conservation and management of fisheries resources continues to be an area of particular concern

to New Zealand. When we consider that fish continues to be the largest source of wild protein for human consumption, it is apparent that the effective management of fish stocks is both an interest and a responsibility shared amongst all States.

The balance of interest and responsibility between coastal and distant water fishing States struck in the Convention, and further implemented through the 1995 Fish Stocks Agreement, provides the legal framework for the management of fish stocks at both the national and the regional level. New Zealand welcomes the entry into force of the 1995 Agreement and the first meeting of its States parties, held in July this year, and looks forward to the expansion of such meetings as the number of States parties to the Agreement continues to grow.

An area of serious concern to New Zealand is the continued prevalence of illegal, unreported and unregulated fishing, both in zones of national jurisdiction and on the high seas. New Zealand places high priority on combating this activity, which requires the cooperation of all States: flag States, coastal States, port States, market States and those States whose nationals and companies are engaged in fishing activities. In that regard, we strongly support the recognition given to this issue in the two draft resolutions on fisheries, A/57/L.49 and L.50, and are proud to lend our name as a sponsor of both texts.

New Zealand is continuing to work towards an integrated domestic oceans policy that will provide an overarching policy framework to guide the regulation and management of activities in the waters under New Zealand's jurisdiction. We have benefited also from the adoption in August this year of a similar policy for our region — the first such regional policy to be adopted by States.

A similar integrated approach is important at the global level too. We welcome the decision reflected in draft resolution A/57/L.48/Rev.1 to continue the Open-ended Informal Consultative Process on oceans and the law of the sea, which provides a vital opportunity to survey the various aspects of the international oceans framework. In the same way, we strongly support the conclusion reached in Johannesburg, and reaffirmed in the draft resolution, that it is necessary to establish an equivalent inter-agency coordination mechanism within the United Nations system, and we look forward to the steps the Secretary-General will take in that regard.

Finally, we would like to thank the Secretary-General for his report, which is, as always, comprehensive and of great assistance to delegations and the wider oceans constituency. We participated in the consideration of his report during the Consultative Process earlier this year, which identified key issues of concern. As a sponsor of the draft resolution under this agenda item, we fully support the reflection of those concerns, and of the agreed conclusions, in draft resolution A/57/L.48.

Mr. Bennouna (Morocco) (*spoke in French*): A quick glance at a map makes it possible to appreciate the extent of Morocco's interest in every aspect of the law of the sea. With a coastline of 3,500 kilometers, Morocco is the only African country bordering both the Mediterranean Sea and the Atlantic Ocean. As a consequence, it also borders the Straits of Gibraltar, which, as we are all aware, is of vital importance to international navigation.

Morocco's longstanding maritime tradition is deeply rooted in history. We concluded a maritime treaty with the Netherlands in the early seventeenth century, practically at the time that the great Dutch scholar Hugo de Groot, otherwise known as Grotius, whose statue overlooks Delft, was defending his famous thesis *Mare Liberum*, on the subject of the open seas. Of course, Morocco's privileged location at the crossroads of Africa, the Arab world and Europe has aroused the envy of many Powers. Our coasts and neighbouring islets have been subject to occupation throughout the centuries, whether for the purpose of establishing fisheries or to set up trading posts, fortresses and even prisons. Unfortunately, there remain anachronistic relics of that bygone age today.

The Kingdom of Morocco continues to believe that the United Nations Convention on the Law of the Sea is a legal instrument of fundamental importance, not only for the sustainable development of the seas and oceans but also for maintaining and strengthening international security. It is in that context that the territorial anachronisms that I have just referred to should be resolved, in accordance with the peaceful means enshrined in the Charter of the United Nations.

The Kingdom of Morocco is fully aware of the importance and customary nature of almost every provision of the Montego Bay Convention. We have already begun proceedings for the speedy ratification of the Convention. On a personal note, allow me to add

on this occasion that I am very happy that my country has made that decision. As the former President of the Third United Nations Conference on the Law of the Sea, Mr. Tommy Koh said, I believe, at the beginning of this debate, I am one of the survivors of the Conference on the Law of the Sea. We should look after the survivors, as we appear to be an increasingly rare species. That is my personal comment.

My country participated very actively and effectively at all stages of the development of every aspect of the law of the sea. Although, for purely circumstantial reasons, the ratification of the Convention has not yet taken place, I can assure the Assembly that Morocco has nonetheless scrupulously respected all its concrete provisions. Specifically, every precautionary measure has been taken by the Moroccan authorities and bodies concerned to ensure that the exploitation of renewable and non-renewable marine resources is undertaken in conformity with international conservation and protection norms.

In fact, since the law of the sea began to be codified, we have been fully aware of the uniqueness of the marine environment, which is reflected in the integrated and inclusive approach of the Convention. The uniqueness of the marine environment includes numerous aspects and diverse players. The Kingdom of Morocco is therefore currently implementing a comprehensive national strategy that will serve as both a guide and reference to all specialized sectors and operators in the field of the marine environment.

Indispensable regional cooperation is part of the continuum including national strategies and the global framework of reference, that is, the Convention. In that regard, it would be advisable to move ahead with common agreement as to the necessary delimitation of maritime space, as well as to cooperate to avoid all sorts of pollution of the marine environment. The recent disaster, caused by the foundering of the oil tanker *Prestige* off Spain's Galician coast, should prompt the countries of our region, whose coasts are frequently visited by ships of all sizes and origins, to greatly increase their oversight in order to ensure strict compliance with the relevant security norms applicable to all who use the major sea routes off our coasts.

The Government of Morocco, which expressed its full solidarity with the Kingdom of Spain following the serious disaster caused by the oil tanker *Prestige*, adhered to all the principles contained in the joint French-Spanish declaration adopted at Malaga on 28 November 2002 to promote a number of preventive measures with respect to vessels transporting dangerous materials. On 5 December 2002, my country decided that, prior to entering Morocco's exclusive economic zone, single-hull ships that are 15 years old or older and that are carrying crude oil, heavy fuel, tar or any other material presenting a high risk to the marine environment must submit a declaration to the competent Moroccan authorities.

The Kingdom of Morocco subscribes fully to the worthy efforts of the Organization to establish an oceans regime that preserves the global balance while responding equitably to the concerns of all members of the international community. In that context, let me say emphatically that we keenly appreciate the expertise provided by the Division for Ocean Affairs and the Law of the Sea of the United Nations, where an attentive and creative team is ready to listen to all those attracted by the wind of the open sea. The poet Paul Valery evoked the sea that is forever beginning again. Let us join our efforts so that the sea will be perpetuated, like life, to the rhythm of creative ebbs and flows.

Mr. Sealy (Trinidad and Tobago): The delegation of Trinidad and Tobago wishes to align itself with the statement made by the representative of Samoa on behalf of the Alliance of Small Island States and with the statement made by the representative of Jamaica on behalf of the Caribbean Community.

The Government of the Republic of Trinidad and Tobago joins with like-minded Governments the world over in celebrating this historic occasion, the twentieth anniversary of the opening for signature at Montego Bay, Jamaica, on 10 December 1982 of the United Nations Convention on the Law of the Sea. The Convention was a remarkable triumph of years of often painstaking multilateral diplomacy aimed at defining internationally acceptable legal rules with respect to humankind's last frontier on earth, through a process that resulted in the adoption of universally applicable and binding rules to govern all uses of the world's seas and oceans.

The successful outcome of the efforts made by so many distinguished negotiators — some of whom were publicly acknowledged in our commemorative meeting on 9 December 2002 — to construct a fair and equitable international legal regime out of the many

disparate, competing national claims and group interests is indicative of the fact that global problems that may initially seem intractable can be resolved with patience, tact and diplomatic skills, provided that the political will to arrive at compromise solutions is present.

The achievements of the 1982 Convention include fixing the outer limits of a coastal State's territorial sea; defining the legal concept of an archipelagic State; progressively developing and codifying the concept of the 200-nautical-mile exclusive economic zone, which in the case of many small island developing States accords them more ocean space than land space; establishing clear rules for international navigation in the territorial sea, in straits, in exclusive economic zones and on the high seas; defining the outer seaward limits of the continental shelf beyond 200 nautical miles; establishing an equitable solution as the goal of any maritime boundary delimitation; in instituting a regime for the protection and preservation of the marine environment from degradation and for fostering the transfer of marine science and technology; and, finally, institutionalizing an internationally agreed legal regime beyond national jurisdictions for the seabed, which is the common heritage of mankind. These achievements, have, in these last twenty years, brought about peace, justice, equity and security in ocean space and have thus spared the international community yet another arena for divisive inter-State conflict.

The goal of the universalization of the Convention and its implementing Agreements remains to be achieved, since several States that played a major role in shaping many of its provisions and that have benefited or stand to benefit from the implementation of all of its provisions have yet to become parties to the Convention. The delegation of Trinidad and Tobago would therefore urge those States that have not yet become parties to the Convention and its implementing Agreements to do so at the earliest possible opportunity in order to ensure that the rights, duties, responsibilities and obligations that flow from it become binding on all States worldwide.

Much, however, remains to be done. As the Secretary-General has stated in his report in document A/57/57, the accomplishments are impressive, but the challenges are also formidable. Many countries, he states, are finding that their awareness and knowledge are scanty and unfocused, their resources scarce, their capacity limited and their means of implementation inadequate.

One of the challenging areas that has the potential to generate conflict among neighbouring States — an area in which the principle of good neighbourliness ought to be the rule rather than the exception — relates to the lack of internationally agreed maritime boundaries, particularly where there are high expectations for further economic and social development, given the resource exploitation potential of the undelimited areas.

Trinidad and Tobago, after successfully negotiating during many years and bringing into force, in an open and transparent manner, a maritime boundary delimitation agreement with Venezuela in 1991, some 11 years ago, is currently engaged in seeking to complete its maritime boundary negotiations with the neighbouring island State of Barbados with respect to the Caribbean Sea and Atlantic Ocean sectors and to resume shortly a similar exercise with Grenada with respect to our other maritime boundary in the Caribbean Sea. The establishment of a State's maritime boundaries, it will be recalled, cannot come about as a result of a unilateral act based on national legislation, but must be the outcome of bilateral negotiations carried out in good faith or through recourse to other peaceful means for the settlement of disputes recognized by international law. Trinidad and Tobago will continue to engage in bilateral negotiations with its neighbouring island States with a view to arriving at the earliest possible opportunity at a fair and equitable maritime boundary agreement that respects the rights and interests of the coastal States concerned.

On the issue of delimitation within the Caribbean Sea region, Trinidad and Tobago welcomes the initiative of President Vicente Fox of Mexico, which led to the convening in Mexico City from 6 to 8 May of this year of a conference of Caribbean littoral States on maritime delimitation, the objective of which was to facilitate, through the provision of technical assistance, the voluntary undertaking of maritime boundary delimitation negotiations between the relevant Caribbean coastal States. In this regard, Trinidad and Tobago views positively one of the outcomes of that conference, namely, the establishment of a Caribbean-focused trust fund for delimitation purposes, and urges Governments in a position to do so to contribute to the financing of that trust fund.

As a State entitled under international and domestic law and for geological and geomorphological reasons to extend its continental shelf jurisdiction seawards beyond the 200 nautical mile outer limit of its exclusive economic zone in the Atlantic Ocean region to the outer edge of the continental margin, Trinidad and Tobago welcomes the efforts to make training courses available that would assist developing countries in the preparation of technical and scientific submissions to the Commission on the Limits of the Continental Shelf, regarding the delineation of the outer limit of their respective continental shelves. Trinidad and Tobago participated in one such training course offered by the Government of Brazil in March of this year and hopes to be able to submit a request to the trust fund established by General Assembly resolution 55/7 of 30 October 2000 in order to be able to make the relevant submission to the Commission within the time period established by the Convention and the decision adopted at the eleventh meeting of the States Parties to the Convention.

When Ambassador Arvid Pardo of Malta, a small island developing State of the Mediterranean Sea region, placed this matter on the international agenda, the initial objective was the attainment of an international legal regime for the exploration and exploitation of the mineral-rich resources of the international seabed. The delegation of Trinidad and Tobago is encouraged by the progress that has been made to date by the Jamaica-headquartered International Seabed Authority as regards the conclusion of 15-year exploration contracts with respect to polymetallic nodules with seven registered pioneer investors. We have also noted that preliminary discussions have been held on issues related to prospecting and exploration for cobalt-rich ferromanganese crusts and polymetallic sulphides in the Area. The delegation of Trinidad and Tobago is hopeful that the international community and, in particular, developing States, will soon be able to derive some financial benefit from the exploitation of these seabed mineral resources, which belong to all of humankind.

Finally, recent reports have drawn attention to the crisis in the world's 17 main fisheries, 90 per cent of which fall within the exclusive economic zone jurisdiction of coastal States that have the onerous and serious responsibility for conserving and managing the world's marine living resources. Fifty per cent of fish stocks, it is being reported, are already being fished at sustainable levels, while 25 per cent are being over-fished. Clearly, as Governments of coastal States committed to responsible fisheries, we have an obligation to this and future generations to achieve sustainable use of fisheries by taking action at the national, regional, subregional and international levels in order to maintain or restore depleted fish stocks to levels that can produce the maximum sustainable yield.

Trinidad and Tobago is conscious of its obligation to promote the conservation and sustainable use of marine living resources and the preservation of marine biodiversity. In the development of its national fisheries management policies, and in the negotiation with neighbouring States of bilateral fisheries access agreements, we will ensure that internationally accepted diverse concepts, tools and approaches, including the precautionary approach, will be applied in order to improve the conservation and management of fish stocks.

The future of the world's seas and oceans is dependent on an integrated and holistic approach to the problems of ocean space. The international legal instruments, whether they be of a voluntary nature or of a legally binding character, are already in place, and it is, therefore, incumbent on all Governments on this commemorative occasion to focus all their energies on taking action, both individually and collectively, so as to bring about the sustainable development of the resources, both living and non-living, of the world's seas and oceans.

Mr. Balzan (Malta): My delegation aligns itself with the statement delivered by the representative of Denmark, on behalf of the European Union. Nevertheless, allow me to make a number of comments from a national perspective.

The road that led to the universalization of the Convention on the Law of the Sea (UNCLOS) was a long one. Having begun with its opening for signature 20 years ago, the Convention did not enter into force until 12 years later. The 1994 Agreement relating to the implementation of Part XI of the Convention led to its acceptance by a large group of States that had previously been hesitant to do so.

For a while now, the number of States parties to the Convention, together with the de facto respect of its provisions by numerous non-State parties, made its

universality a matter of fact. It is heartening to note that, just as we have been paying tribute to the contribution of the Convention and its pioneers, new States have acceded to the Convention, and good prospects remain for the accession of other States, bringing large swathes of ocean and seas under the umbrella of the Convention. Such moves would be greatly welcomed and will hopefully provide a catalyst for the completion of the formal universalization process with the accession of the last States that, for diverse reasons, have been unable to join the rest of the international community.

Since the entry into force of the Convention, States parties have been busy putting into place the institutional infrastructure set out in the Convention in the form of the International Tribunal on the Law of the Sea, the International Seabed Authority, and the Commission on the Limits of the Continental Shelf. All three are now up and running in a satisfactory manner, inspiring confidence in their ability to fulfil their functions.

Some commentators have suggested that the comparatively limited workload of these institutions is a sign that they have been set up prematurely and, therefore, constitute an unwarranted drain of funds. My delegation does not subscribe to these ideas. Too many international set-ups are established as a reaction to crisis situations. Invariably, much time is wasted in trying to catch up with events and to put out fires rather than prevent them. Establishing the architecture of an international tribunal in the midst of disputes and conflicting interests that have already emerged does not make for level-headed decision-making. In the same vein, it would be significantly more difficult to elaborate a just regime for the equitable exploitation of the resources of the ocean floor if seabed mining for profit were already a reality.

Furthermore, the establishment of the International Seabed Authority, before commercially viable exploitation of seabed mineral resources is a reality, has allowed the international community to become aware of other, possibly more valuable, genetic resources on the ocean floor, our treatment of which has now been placed on the international agenda.

If the choice for the international community is between diligent and early development of the architecture to deal with forthcoming challenges, or waiting for conflicts to arise before starting to write the rulebook, my delegation's preference is clear.

Over the last years, the United Nations has carried out something of an experiment in its consideration of the vast issues that are brought together under this agenda item. I speak here of the informative United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS), which has added an annual gathering to the United Nations calendar that has focused our minds on issues of central importance — from marine scientific research and the protection of the marine environment to the prevention of piracy and armed robbery at sea. The informal nature of the meeting is among its greatest strengths. It has allowed for a true cross-fertilization of ideas between national experts, relevant international organizations, non-governmental organizations and national agencies. This has opened the door to practical cooperation and the coordination of efforts among different actors and has highlighted both the need and the opportunities for capacity-building.

As a supporter of the initiative from the outset, my delegation is indeed pleased that the review of the work by the United Nations Open-ended Informal Consultation Process since 1999 has led to the confirmation of its mandate and format for a further three years, as provided for in the omnibus draft resolution that we are about to adopt. Its establishment as a regular fixture is sure to make it a stronger and more efficient tool in the hands of the international oceans community.

My delegation takes this opportunity to thank the outgoing Co-Chairpersons of the Consultative Process, Mr. Simcock of the United Kingdom and Ambassador Slade of Samoa, for their sterling work, and looks forward to the deliberations on the safety of navigation and marine protected areas as the themes of next year's Consultative Process.

When our Foreign Minister, Mr. Joe Borg, spoke at the general debate last September, he condemned those unscrupulous individuals who, seeking to capitalize on the misery of others, are involved in the trafficking of human beings across the Mediterranean Sea. Since then, Malta has witnessed an upsurge in the number of overcrowded vessels landing with exhausted, desperate immigrants, some having travelled half-way across the globe. Although the

Government of Malta has sought to provide the most humane treatment possible to those victims of other people's greed, our resources to do so have been stretched to the limit by the sheer numbers involved, particularly when landings began to occur every week, if not every few days.

My Government believes that the time is definitely ripe for the international community to act to stifle this inhumane industry and to tackle the multifaceted legal and humanitarian issues it implies for all States and individuals involved. We echo the suggestion made by the European Union that the issue be addressed in a comprehensive and serene manner, with the aim of finding adequate international long-term solutions. We do this with the knowledge that such solutions can be successful only if they are taken in parallel with measures that tackle the underlying causes of trafficking in human beings, namely poverty, desperation and the hopelessness of the situation of those people.

At the Johannesburg Summit, the prospect of designating the north side of Malta as a marine conservation area was presented. It is the declared intention of the Government to designate several marine protected areas around the Maltese Islands. The studies and surveys of the seabed surrounding Malta, as well as the compiling of base-line data, have been ongoing for several years. Meanwhile, guidelines on the protection and management of marine conservation areas have been passed on to the local Environment and Planning Authority for approval before the designation of Malta's first three marine conservation areas.

The demands on the surrounding seas made by a densely populated archipelago such as ours are numerous and often competing. The balance that we seek, on the basis of our still incomplete knowledge of our seas, is but a microcosm of the balance that the international community has yet to find for the management of the far greater resources of the world's seas and oceans. The vast array of activity and initiatives reflected in the hefty draft resolution on oceans and the law of the sea represents the international community's sincere, but I fear as yet insufficient, efforts to find such a balance.

Mr. Arias (Spain) (*spoke in Spanish*): I would like to express the satisfaction of the Spanish delegation for the opportunity to participate in this debate, which coincides with the twentieth anniversary of the United Nations Convention on the Law of the Sea.

As a Member State of the European Union, Spain fully endorses and supports Denmark's statement made on behalf of the European Union.

My statement is based on the need to further stress the dimension of the tragedy caused by the accident of the fuel oil tanker Prestige near the coast of Galicia, in north-western Spain, which has been referred to here in many statements, including in that of the representative of Morocco, whose solidarity I appreciate. Spain also seeks to draw attention to the urgent need to decisively make headway in strengthening international rules in force on the safety of maritime navigation and the prevention of pollution of the marine and coastal environments. In that respect, allow me to state certain initiatives that my Government is endeavouring to promote in all relevant international forums, and which I hope will receive the support of the United Nations.

I will recall the details of the *Prestige*, a 26-year-old, non-Spanish-flag, single-hull tanker. It carried 77,000 tons of heavy grade fuel oil and, after a serious breakdown on 13 November 2002, sank six days later some 130 miles from the Spanish coast. It spilled several thousand tons of fuel oil, seriously polluting the coasts of one part of my country and threatening other neighbouring regions.

In the face of that unfortunate event, Spain deems it necessary to underline the special responsibility of flag States with regard to vessel compliance with maritime safety rules. Furthermore, since evidence shows that the control measures by certain flag States are presently not satisfactory, Spain supports the proposals aimed at enabling the International Maritime Organization to oversee, as soon as possible, the control exercised by flag States. That oversight should also include classification organizations. It is well known that even though the *Prestige* had valid navigation certificates, the accident was caused by the lack of resistance in the vessel's hull design.

The control system by port States has undoubtedly contributed to improving maritime safety. Nevertheless, it should be strengthened so that sub-standard vessels such as the *Prestige* cannot evade inspections easily. Thus, among others, the following measures could be cited: more frequent inspections,

broader compulsory inspections for vessels that have shown flaws in previous inspections, reinforcement of national oversight mechanisms for maritime traffic, obligation to report on flaws that have to be corrected before a ship's arrival in a harbour; standardization, compatibility of and access to regional databases; and allowing inspectors to follow up on repairs and to correct serious flaws detected.

The unfortunate experience my country has just had underlines the need to develop guidelines on places of refuge for ships in distress. These places should be far from populated zones and from fishing or tourist areas. They must be adequately equipped for rescue operations and to combat pollution. For this reason, Spain has supported the development of such guidelines in the International Maritime Organization (IMO), and supports the provision of financial assurances to vessels seeking refuge.

In the aftermath of this most unfortunate accident, it is very clear that there is a need to develop measures to promote the safety of maritime navigation and the protection of the marine environment from pollution. In this respect, Spain has proposed a series of measures strengthening maritime safety and the prevention of pollution, in the framework of the IMO and of the European Union. Among these measures, let me mention the need to move the transit routes of ships carrying hazardous products even farther away from certain particularly vulnerable coasts and, furthermore, the need to withdraw from circulation single-hull oil tankers and to replace them with double-hull vessels without delay.

This latter problem is of special concern to Spain. In fact, in the area of the disaster to which I have referred, approximately 65,000 merchant ships transit every year, some 40,000 of them carrying hazardous goods. This shows clearly that the international community cannot afford to wait until 2015 to withdraw from circulation single-hull vessels such as the *Prestige*, the *Kristal*, the *Castor* or the *Erika*. That is why Spain, together with other countries, is studying the feasibility of measures to limit navigation by obsolete vessels of this type, in accordance with criteria based on maritime safety and the protection of the marine environment.

Furthermore, Spain considers that the international system of compensation for damages caused by hydrocarbon pollution must be updated in compliance with the "polluter pays" principle, speeding up procedures, shortening deadlines for payment of the compensation, and setting sufficiently high indemnity levels so as to cover the potential risks of maritime transportation of hydrocarbons.

In conclusion, Spain reiterates its concern at the grave risks to the marine environment and the safety of navigation posed by vessels such as the *Prestige* that do not meet adequate quality standards. My country strongly urges the international community to make a concerted effort to elaborate rules and standards for the protection and preservation of the marine environment and for the safety of maritime navigation, and strictly to enforce those rules in order to eliminate these unacceptable risks.

Mr. Kittikhoun (Lao People's Democratic Republic): It is my pleasure to speak here today on behalf of the Group of Landlocked Developing Countries. The twentieth anniversary of the opening for signature of the 1982 Convention on the Law of the Sea marks a special event in international cooperation and understanding with regard to settling all issues pertaining to the law of the sea.

When we adopted the Convention two decades ago, we made history by establishing an international instrument that is fundamental to the worldwide promotion of peace, justice and progress for all human beings, as well as to the sustainable development of the oceans and seas. Indeed, the general application of the Convention by States during this time has contributed to peace and good order in the oceans.

The rights and interests of landlocked developing countries are of particular concern to our Group. As the Assembly is aware, our countries have special needs and problems due to their landlocked state and their lack of territorial access to the sea. Consequently, every landlocked developing nation faces the problem of prohibitive transit transport costs, which hinders its effective participation in global trade and hence its development efforts. In this context, the international community is strongly urged to give due attention and lend assistance to this vulnerable group of countries in their endeavours to promote socio-economic development.

The Convention on the Law of the Sea, with due regard for the sovereignty of all States, provides us with a legal framework for managing the massive oceans and various seas; for ensuring the equitable and

efficient use of their vast resources; and for promoting the conservation, protection, study and preservation of the marine environment. In its implementation, we urge, among other things, that the legitimate concerns of transit countries be taken into account, and that the right of access to and from the sea of all landlocked developing States, as well as the interests of those States in sharing sea-based resources as a common heritage of mankind, be given due recognition and attention. We also call upon the international community to assist us in the building of the necessary economic, legal, navigational, scientific and technical capacities, in order to enable us effectively to participate in the present legal regime on the oceans and seas.

The sea is a vital part of our living environment. On the occasion of the twentieth anniversary of the opening for signature of the 1982 Convention on the Law of the Sea, it is a joy to witness Member States gathered here, unified in our commitment to ensure that the oceans and seas will continue to provide vital resources for food security, sustain economic prosperity, and promote cooperation and development for all peoples in the world, including those in landlocked developing countries. On this note, I wish the General Assembly every possible success in its deliberations.

Mr. Lobach (Russian Federation) (*spoke in Russian*): First of all, I should like, on behalf of the Russian Federation, to express our sincere gratitude to the Secretariat for its excellent work in organizing the recent commemorative meeting of the General Assembly on the twentieth anniversary of the United Nations Convention on the Law of the Sea. This is a major cause for celebration, in particular for those who, working together creatively, established that unique legal document. We are pleased to note that the international community is remembering all those who framed the Convention.

I would like to take this opportunity to reiterate Russia's firm support for the legal regime established by the 1982 United Nations Convention on the Law of the Sea. That regime has played an important role in establishing a universal order for maritime affairs, as well as in improving cooperation and the coordination of the various activities of States on the high seas. The Convention, thanks in no small part to the vision of its framers, is designed to ensure a truly equitable order in maritime affairs and to make a contribution to the maintenance of peace and security among States.

The international community has high hopes for effective measures to preserve and enhance fish stocks. We believe that, in the current context of cooperation, priority will be accorded to the entry into force of the Agreement for the Implementation of the Provisions of the Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. A qualitatively new approach based on the philosophy of the sustainable development of the oceans has been introduced in this area, and in this regard we welcome the fact that the General Assembly will in future jointly consider the entire body of fisheries-related matters within one draft resolution.

This year we began yet another important phase in the area of international cooperation in maritime affairs. I am referring to the inauguration of the practical work of the Commission on the Limits of the Continental Shelf. There is no doubt that the Commission has complex challenges before it that will require the use of the most up-to-date geological, geophysical and hydrographic techniques, taking into consideration the sovereign rights of States.

We disagree with those who believe that, since even scientific researchers cannot reach agreement on a great many fundamental issues, it is not yet time for States to present claims. We are convinced that the procedure developed by the Commission already allows us objectively to consider the relevant claims, and that the resolution of such claims should not be delayed indefinitely.

Our country has become a pioneer in this area. A year ago, in December 2001, we submitted a claim to the Commission, reflecting the results of many years of multidisciplinary scientific research by Russian scientists to determine and substantiate the outer rim of the continental shelf of the Arctic and Pacific Oceans. Our claim was submitted in strict conformity with the criteria set out in the 1982 Convention. In preparing our submission, we pulled together a great deal of information received from Russian researchers in the Arctic over a period of more than 40 years. The Commission, however, considered that the information that we had provided did not fully meet requirements and asked us to supply further information.

We will continue to work productively and creatively with the Commission to provide the supplementary materials. We would like to note, however, that it is inappropriate to stipulate clearly inflated requirements, in particular with respect to the conduct of very costly maritime expeditions in the difficult conditions prevailing in the Arctic Ocean. In order to develop unified approaches and to define the scientific nature of the Mendeleyev and Lomonosov ridges, the Russian Federation intends to convene an international conference at Saint Petersburg in July 2003.

Such scientific issues cannot be resolved by simply taking a vote. We need a multilateral approach and clear criteria based on geological and geophysical information. We are prepared to participate in developing such information. We believe that if the Commission works successfully in this area, it will greatly simplify consideration of claims submitted by other States.

The past few years have revealed the need for new mechanisms to ensure closer and more effective interaction among States in maritime affairs. The annual sessions of the Open-ended Informal Consultative Process on oceans and the law of the sea are designed to augment the efforts of various States and organizations to achieve even higher indicators. It is important to identify such new areas for cooperation and to focus on long-term objectives. Furthermore, the Informal Process must not duplicate the efforts of international meetings on the law of the sea or intrude on their jurisdiction, as that would have an effect opposite of what is desired. It would result in unnecessary costs and would lead to fresh disagreements.

In conclusion, I would like to say that Russia supports the adoption by the General Assembly of the draft resolutions on oceans and the law of the sea (A/57/L.48/Rev.1), on the Agreement for the Implementation of the Provisions of the Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (A/57/L.50) and on large-scale pelagic drift-net fishing (A/57/L.49). We greatly appreciate the documents that have been prepared, which not only fully reflect the most topical highlights of maritime activity but are also the result of a consensus that truly is balanced to a high degree.

Mr. Ortúzar (Chile) (*spoke in Spanish*): First of all, my delegation associates itself with the statement made earlier by the representative of Costa Rica on behalf of the Rio Group. Chile joins in the heartfelt commemoration of the twentieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea — perhaps the most solid and substantive international legal instrument yet developed within this Organization. The Convention enshrines the legal and political unity of the seas and oceans and their uses, regulating human activities over two thirds of the surface of the planet. It has been recognized as a global agreement, a genuine constitution for the oceans.

Our own geography and history as a nation are closely connected to the sea. Our future is oceanic; we have an oceanic duty; and to a great extent our development involves the resources and the spaces of the sea. That is because of our more than 5,000 kilometres of continental and island coastline.

We take this opportunity to recognize each and every one of the representatives who participated in the Third United Nations Conference on the Law of the Sea, which, after eight years of intense negotiations, adopted the final text of the new Convention on the Law of the Sea at its eleventh session. As we said, that constitutes a singular milestone in the history of international law. But our tribute would not be complete if we did not also refer to the many compatriots who, headed by Francisco Orrego Vicuña and Fernando Zegers Santa Cruz, made up the delegation of Chile and represented us in the great efforts that led to the creation of the new law of the sea. We pay warm tribute to them and place on record the gratitude of the Government of Chile.

In its day, the Conference was an unprecedented and unparalleled event in the history of international relations, since it brought together all the world's peoples, including not only United Nations Member States but also, as observers, nations in the process of gaining independence, liberation movements and Trust Territories. To cite a figure that illustrates the magnitude of the work, it is estimated that no fewer than 10,000 delegates attended the sessions.

The Convention on the Law of the Sea, signed and ratified by Chile, enshrined in its text various principles traditionally defended by our country. The maritime zone known today as the exclusive economic

zone has its origin in the proclamation made in 1947 by the President of Chile, through which he claimed sovereignty over the continental shelf and the adjacent seas to a distance of 200 miles, without disregarding or affecting the rights of free navigation on the high seas. That seminal concept was later embraced in the 1952 Santiago Declaration on the Maritime Zone, which was adopted by Chile, Ecuador and Peru, joined later by Colombia when it became a member of the Permanent Commission of the South Pacific in 1979. The Declaration proclaimed exclusive sovereignty and jurisdiction over the sea along the coasts of those countries to a minimum distance of 200 nautical miles, for economic reasons and in order to preserve natural resources. That doctrine became one of the fundamental institutions of international law, in particular of the new law of the sea.

The establishment of the extent of the territorial sea and the contiguous zone and of the status of internal waters in Chile's southern island area are also among those principles, as is that of cooperation between coastal countries such as ours and fishing nations or nations that have public or private fleets that fish beyond the 200-mile limit. The Convention on the Law of the Sea established the principle of cooperation and preservation with regard to high-sea areas of particular interest to coastal States.

Today, 141 States have ratified the Convention, reaffirming the international community's majority belief that that universal and unifying instrument establishes the legal framework for all activities carried out on the oceans and seas and is fundamental for the maintenance of international peace and security, as well as for sustainable development and cooperative initiatives at the national, regional and global levels, in the marine sector. Therefore, we share the view of other countries that the Meeting of States Parties to the Convention is the appropriate forum to consider the Convention's interpretation, functioning and implementation, and that the Meeting must address not only procedural but also substantive issues.

Despite the concrete progress made to date, we face new challenges, such as the increase in illicit activities carried out on the sea. Of particular concern is the illicit maritime trade in drugs, small arms and light weapons, ammunition and persons, an area in which greater coordination and cooperation among countries is clearly required. We are also concerned about indiscriminate fishing activity on the high seas of the adjacent jurisdictional zone, which affects the survival and the preservation of living resources within the zone, with serious damage to coastal States. In that regard, we should mention that, in 2000, the States members of the Permanent Commission of the South Pacific signed the Framework Agreement for the Conservation of Living Marine Resources on the High Seas of the South-East Pacific, also called the Galapagos Agreement. That regional instrument applies exclusively to high-sea areas of the South-East Pacific and aims to preserve the living marine resources in those areas, with special reference to populations of straddling fish stocks and highly migratory fish stocks. The Agreement will be open to signature by other interested States as soon as it enters into international force.

The international community must also be alert to the maritime transport of radioactive materials and hazardous waste without adequate regulations in place to provide guarantees to coastal States where such transport occurs. That applies especially to the Pacific Ocean, which is used as a route for the transport of radioactive waste. We call for stricter compliance with norms and standards in the implementation of applicable security measures and for the improvement of current regulations.

The Convention on the Law of the Sea represented a triumph for the rule of law and for the principle of the peaceful settlement of disputes. In addition, it attested to the solidarity of humanity and to the reality of independence among nations. Ultimately, it is a spiritual lesson for future generations that we must not ignore in our current endeavours.

Mr. Masud (Pakistan): Two days have passed since the meeting of the General Assembly held in commemoration of the twentieth anniversary of the opening for signature of the 1982 United Nations Convention on the Law of the Sea. Indeed, the Convention was the culmination of the most important law-making endeavour undertaken in the history of the United Nations. The draft resolutions submitted (A/57/L.48/Rev.1, L.49 and L.50) as well as the reports of the Secretary-General (A/57/57 and Add.1, and A/57/459) and the report on the work of the United Nations Open-ended Informal Consultative Process established by the General Assembly by its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs at its third

meeting (A/57/80), clearly highlight the wide scope of the Convention and of its supplementary Agreements.

Previous speakers have covered various activities within the scope of the Convention, the Agreement relating to the implementation of Part XI of the Convention and the 1995 Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Pakistan ratified the Convention on 26 February 1997 and is pleased to note that the number of States that have become parties to the Convention has risen to 142. We hope that other States too can join the Convention to strengthen its universal character. The implications of Agenda 21, adopted a decade ago, as well as the World Summit on Sustainable Development, held recently in Johannesburg, have already been commented upon. The emerging role of various other international organizations and agencies, such as the Food and Agriculture Organization of the United Nations (FAO) and the International Maritime Organization, in the effective implementation of the Convention on the Law of the Sea has also been noted. Various delegates have highlighted the role of the International Maritime Organization in such areas as shipping and navigation, safety at sea and the protection of the marine environment.

The Secretary-General's report also refers to the role of the International Labour Organization in the context of labour conditions and the training of crews. In addition, reference has been made to initiatives taken at global and regional levels to deal with such matters as piracy and armed robbery against ships, the smuggling of migrants, stowaways and the illicit traffic in drugs.

The recent panel discussions highlighted the contribution of the Convention in developing an elaborate legal framework for removing ambiguities about the rights and obligations of States, thus largely removing the potential for disputes. It also underlined the fact that the Convention provides an elaborate and flexible mechanism for settlement of disputes. The importance of delimiting maritime boundaries between adjacent and opposite coastal States was also addressed. In this respect I am pleased to state that Pakistan has successfully negotiated agreements with the Islamic Republic of Iran and the Sultanate of Oman on delimiting maritime boundaries; only Pakistan's maritime boundaries with India are yet to be delimited.

Pakistan is satisfied with the implementation of the Convention, its supplementary Agreement and the activities of various international organizations and agencies, as well as regional organizations. These are described in the reports under consideration. In the area of sustainable development of marine resources, however, Pakistan would like to underline the need for a new initiative.

As the Assembly is aware, over 2 billion people in the world are living in conditions of poverty and find it difficult to meet their basic human needs. We have heard repeatedly of the tremendous resources available in the oceans and seas, but several delegations have highlighted the prospect of depletion of marine fisheries stocks. Whereas the tremendous resources of the oceans and seas provided hope for many of the 2 billion poverty-stricken people living in the coastal States, the threat of depletion of fisheries due to illegal, unreported and unregulated fishing has cast a spell of despair. The poor fishermen of the developing countries, face the prospect of fishing resource depletion, having tapped but few of these resources. According to FAO, more than 70 fishermen die every day due to lack of experience with off-shore fishing operations and lack of knowledge about essential issues, such as navigation, weather forecasting, communications and the vital culture of safety at sea.

One of the major contributions of the Convention in the area of progressive development of international law was the development of the concept of the exclusive economic zone and recognition of the sovereign rights of coastal States over their living and non-living resources.

Although the concept of the common heritage of mankind is of no less importance, the activities of the International Seabed Authority so far indicate that exploitation of the resources of the high seas beyond national jurisdiction is not likely to materialize in the near future. The abundant resources of the exclusive economic zone, on the other hand, are within reach of the developing coastal States if a concerted effort is made in this regard.

The FAO has played a significant role in this area and a number of regional agreements have been entered into relating to fisheries. There is, however, need for a more focused approach towards the optimum development of the living and non-living resources of

the exclusive economic zone for the benefit of poverty-stricken peoples of the developing coastal States.

The Division for Ocean Affairs and the Law of the Sea within the Office of Legal Affairs, which has done commendable work may, therefore, develop a proposal, in collaboration with the FAO and other concerned organizations and agencies, for optimum exploitation of the living and non-living resources of the exclusive economic zone by the developing coastal States, and devise effective measures to check illegal, unreported and unregulated fishing; I have referred mostly to fishing, however there is also a need to exploit the non-living resources of the exclusive economic zone. Some progress has been made in the area of petroleum and natural gas, but very little progress has been made in the exploitation of the other resources of the exclusive economic zone.

This may be done within the framework of the Plan of Implementation adopted at the World Summit on Sustainable Development of 4 September 2002. A suitable addition can be made in part XIII of the draft resolution contained in document A/57/L.48/Rev.1, with respect to the forthcoming meeting of the United Nations Open-ended Informal Consultative Process on oceans and the law of the sea, to consider such a proposal.

Mr. Kanu (Sierra Leone): Sierra Leone sponsored resolutions on oceans and the law of the sea last year and we are happy to do so again this year. Our sponsoring these resolutions is an eloquent testament to the importance the Government of Sierra Leone attaches to matters relating to the oceans and seas. In this age of globalization, we are witnessing more and more maritime accidents that are affecting many countries. Consequently, Sierra Leone welcomes the addition that has been introduced by Spain to operative paragraph 48, in part XI of draft resolution A/57/L.48/Rev.1, on "Oceans and the law of the sea".

Sierra Leone would like to express its appreciation for the celebration of the twentieth anniversary of the opening for signatures of the United Nations Convention on the Law of the Sea. The Convention represents a cornerstone in international law, as it provides the first comprehensive legal framework for all activities related to the seas and oceans. Among its other accomplishments, the Convention has set an unprecedented series of jurisdictional zones and, most importantly, is the first legal instrument to require States to protect and preserve the marine environment, as set out in article 192 of the Convention.

The Government of Sierra Leone regards the Convention on the Law of the Sea as a fundamental step towards cooperation among nations in the preservation of the environment and in the promotion of an international economic order that takes into account the special interests and needs of developing countries. The quasi-universality of the Convention on the Law of the Sea allows us to regard its provisions as evidence of customary international law, which is also a major move towards the strengthening of peace, security, cooperation and friendly relations among all nations on matters relating to the seas and oceans.

Sierra Leone became party to the Convention on the Law of the Sea and to the Agreement relating to the Implementation of Part XI of the Convention in 1994. The number of other conventions to which the Government of Sierra Leone has become party further demonstrates its great interest in the preservation and use of the sea and of its resources. In fact, Sierra Leone is now party to the Abidjan Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (1981), as well as to the Convention on Biological Diversity (1992), the Convention on Fishing and Conservation of Living Resources in the High Seas (1958) and the International Convention for the Prevention of Pollution from Ships (1973).

Unfortunately, developing countries often lack the resources to implement the provisions of the Convention on the Law of the Sea, particularly those contained in Chapter XII aimed at fostering scientific research to address satisfactorily the preservation of the marine environment and the prevention and control of marine pollution. In this regard, Sierra Leone looks favourably at the provisions of the Convention dealing with scientific, educational and technical assistance by other States and international organizations.

Here, we wish to express our profound thanks to those countries, especially Norway and United Kingdom, that have provided educational and technical assistances to developing and least developed countries. Sierra Leone would welcome other countries with the capacity to do so to join these two countries in that regard.

Sierra Leone welcomes the entry into force of the Agreement for the Implementation of the Provisions of the Convention relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. In this regard, one must not fail to call for an increase in the special assistance given to developing and least developed States in their efforts to implement the provision of the Agreement.

Sierra Leone is committed to the principles and goals of the Convention. Our commitment is ably demonstrated by the participation of one of our illustrations sons, Judge Abdul G. Koroma of the International Court of Justice, in the processes that culminated in the adoption of the Convention in 1982.

Sierra Leone continues to value the work of the Meetings of States Parties to the Convention in matters relating to the implementation of the Convention. However, it is our fervent hope that in Meetings of States parties, substantive issues relating to the implementation of the Convention will find their way into the agenda.

Sierra Leone also stresses the need for full implementation of the provisions regarding international cooperation in marine scientific research for peaceful purposes and in respect of the sovereignty and jurisdiction of States, as contained in Part XIII of the Convention.

I would be remiss in this statement if I fail to acknowledge the excellent work that is being done by the Division of Ocean Affairs and the Law of the Sea under the indefatigable leadership of Madam Annick de Marffy and her talented team, who have on many occasions provided us with resource materials that are erudite and informative.

In conclusion, the Convention on the Law of the Sea needs the cooperation of all of us for it to be operative. It is in the interest of mankind that all the provisions of the Convention should be fully respected and implemented by all States. While significant work has been done, much more needs to be done to reach a point of development that is sustainable under all standards. The Convention on the Law of the Sea is one of the instruments that can and should be used, as it provides an excellent legal framework for the implementation of the plan of action embodied in Chapter 17 of Agenda 21. We therefore hope that in the not too distant future, the Convention will be truly universal.

Mr. Dhakal (Nepal): The United Nations Convention on the Law of the Sea (UNCLOS) has been a unique instrument in the annals of the history of multilateralism and international law in the field of the oceans and the sea. The Convention has been considered as the constitution of the sea aimed at playing a crucial role in maintaining international peace, security and order by governing many aspects of the law of the sea.

It was a historic moment on 10 December 1982 in Montego Bay, Jamaica, when the Convention was opened for signature after an extended effort by the international community for the codification and progressive development of international law in the field of the sea. The celebration of the twentieth anniversary of the opening for signature of the Convention this week marks a significant event.

My delegation wishes to express its sincere appreciation to all those who made invaluable contributions to the successful negotiations conducted over a period of more than a decade since the launching of the United Nations Third Conference on the Law of the Sea in 1973. It is fitting on this occasion to pay tribute to those outstanding personalities who provided wise and visionary leadership during the complex negotiations.

My delegation associates itself with the statement made by the delegation of the Lao People's Democratic Republic on behalf of the Group of Landlocked Developing Countries. My delegation would also like to thank the Secretary-General for his comprehensive report on oceans and the law of the sea as contained in document A/57/57. My delegation has taken note of the reference in paragraphs 81 to 83 to access to and from the sea by landlocked developing countries and freedom of transit.

After 20 years of its adoption, the Convention has 138 States parties, including many landlocked and transit States. This is a strong testament to the growing importance of the Convention in an interdependent world. Nepal is happy to note that much progress has been achieved towards institutionalization of international cooperation under the Convention in the field of the law of the sea. Three institutions have been created by the Convention; namely, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. They are now operational. The

Meetings of States Parties to the Convention have also been held regularly and has dealt with a wide range of issues relating to the implementation of the Convention. The Open-ended Informal Consultative Process has provided member States with the opportunity to carry out annual review of developments in ocean affairs taking into account the legal framework provided by UNCLOS and the goals of chapter 17 of Agenda 21.

While rejoicing the accomplishments, we must bear in mind that the international community has before it formidable challenges for an effective implementation of the Convention at the global, regional and national levels in order to realize benefits from its various provisions. Lack of awareness and knowledge, limited resources and capacity have hindered the implementation of the Convention in many countries, particularly small developing, landlocked and least developed countries. The interest of these countries regarding the sharing of sea-based resources has also not been taken fully into account. During this anniversary year, the international community should focus its efforts on these critical issues to ensure optimal realization of the benefits landlocked nations deserve from the world's oceans and seas, while minimizing the problems that have arisen, especially with regard to the limitations in harnessing the marine potential and the degradation of the marine environment and resources.

Lack of territorial access to the sea, aggravated by remoteness and isolation from world markets, prohibitive transit costs and high risks impose serious constraints on the overall socio-economic development efforts of landlocked developing countries, and even more so, for those landlocked developing countries that are least developed.

Article 125 of the UNCLOS provides for the right of access of landlocked countries to and from the sea and freedom of transit through the territory of transit countries by all means of transport. There is a need for measures to further strengthen cooperative and collaborative efforts to deal with transit transport issues by improving the physical infrastructure and non-physical aspects of transit transport systems, strengthening bilateral and subregional agreements to govern transit transport operations, developing joint ventures in the area of transit transport and strengthening institutions and human resources.

We are hopeful that the forthcoming International Ministerial Meeting of Landlocked and Transit Developing Countries and Donor Countries and International Financial and Development Institutions on Transit Transport Cooperation will be an opportunity to further improve the current Global Framework of 1995 and provide impetus in making potent policy measures and in implementing action-oriented programmes to develop efficient transit transport systems.

Nepal, as a landlocked and least-developed country, has always actively participated in the development of a legal framework for oceans and the law of the sea issues not only in the Third United Nations Conference on the Law of the Sea, but also in the previous 1958 United Nations Conference. It is time for all of us to join forces for the effective implementation of UNCLOS.

The Acting President: In accordance with General Assembly resolution 56/91 of the 12 December 2001, I now call on the Observer of the International Hydrographic Organization.

Mr. Barbor (International Hydrographic Organization): It is an honour, as a Director of the International Hydrographic Bureau (IHB), to address the Assembly on behalf of the 73 member States of the International Hydrographic Organization (IHO) and to participate in commemorating this twentieth anniversary of the opening for signing of the United Nations Convention on the Law of the Sea. We appreciate the efforts of the Government of Monaco that led to the IHO being granted observer status last year and the long history of their support since the establishment of the IHB in 1921, at the encouragement of Prince Albert I, as an inter-governmental, consultative and technical organization and — in the vernacular of the Convention — a competent international organization.

Even in those early beginnings, our organization championed many of the tenets that would frame the United Nations Convention on the Law of the Sea (UNCLOS). While the IHO was formed to make navigation easier and safer, our objectives relate directly to fulfilling numerous other needs and responsibilities of nations with maritime interests. The IHO has sought to expand the quality and coverage of navigational charts and services by facilitating cooperation among its member States, advancing the

sciences in the field of hydrography and descriptive oceanography and building the capacity of States — most importantly, developing States — to collect hydrographic data and to provide navigational products and services. The IHO's technical and policy committees provide forward-leaning guidance and essential standardization of data format, hydrographic techniques and products. Our 15 regional hydrographic commissions span the globe and provide responsive coordination, assistance and regional focus for this international body. The hydrographic offices of our member States represent thousands of technicians and scientists using the latest technology on board hundreds of launches, ships, aircraft and spacecraft. The data collected and the information, products and services provided to enhance safety of navigation are foundational layers vital for the effective and efficient use of the seas, as laid out in UNCLOS.

Part XII of the Convention deals with the protection of the marine environment. Section 2 of that part mandates that "States shall cooperate ... directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures ..." (*article 197*)

The IHO provides standards and recommends practices and procedures for the collection, processing, distribution and display of hydrographic data. Those data are fundamental to protecting the marine environment as the availability of accurate, up-to-date and understandable nautical charts is critical to safe navigation and the prevention of accidents at sea. Additionally, modern hydrographic surveys collect sufficient information to delineate action plans for special areas and particularly sensitive sea areas requiring extraordinary environmental monitoring and enforcement. When, unfortunately, an incident does occur and pollution is discharged into the sea, hydrographic data provide the all-important means whereby pollution flow models can predict the path of the pollutant, and upon which response teams can base their tactics to control the emergency.

The last 20 years have brought scientific advances the authors of UNCLOS could not have predicted. However, they did encourage and skilfully accommodate such progress in Parts XIII and XIV, dealing with the conduct of marine scientific research and the development and transfer of marine technology. Hydrography, too, has benefited from revolutionary advances in precise positioning, bathymetric measurements, data processing and product display. The IHO is keenly aware that such advances must reach all States — both the highly developed and those involved in the early stages of developing a hydrographic service. The IHO summarizes those benefits and provides clear rationale for their adoption so that both member and non-member States can articulate the requirements of a national hydrographic service. Our regional hydrographic commissions are focused on ensuring cooperation and capacity-building among all States in their region. For example, our Eastern Atlantic Hydrographic Commission has an active assistance programme, visiting West African countries to discuss the benefits of, and requirements for, establishing a hydrographic service and to offer the necessary assistance to begin the process. A similar programme in our MesoAmerican and Caribbean Sea Hydrographic Commission is focused on increasing hydrographic capacity in Central America. More than 20 of our member States offer more than 30 technical training programmes in hydrography, conforming to the guidelines established by the IHO. Only with a modern and well-trained national hydrographic service can the mariner access the necessary services for safe navigation and the State realize the full and sustainable development that well-charted waters foster.

It is important to note that with the adoption of UNCLOS, the delineation of maritime boundaries has markedly changed. The drawing of baselines is largely an exercise in map-making. As territorial waters and exclusive economic zones are simply linear measurements from this baseline, a country only needed an adequate map of their land to determine those oceanic boundaries. However, to claim the economic benefits and management responsibilities for the area of the continental shelf beyond the exclusive economic zones require, under article 76, that a State determine water depth, bottom slope and sedimentation thickness. Those are hydrographic measurements and best done by a hydrographic service with the rigor and standards established by the IHO.

The International Hydrographic Organization enjoys close partnerships with the International Maritime Organization (IMO) and the Intergovernmental Oceanographic Commission. The IHO-IOC General Bathymetric Chart of the Ocean (GEBCO) project encourages ocean mapping and provides a central repository for bathymetric data. Next

year, the 100th anniversary of the establishment of GEBCO by Prince Albert I will be marked by a centenary observance in Monaco from 14 to 16 April 2003. The mandates established by IMO in their several conventions are closely linked to the implementation of UNCLOS. In one such instance, the International Convention for the Safety of Life At Sea (SOLAS) requires contracting Governments to maintain a hydrographic capability in order to satisfy the needs of safe navigation. This SOLAS regulation highlights how fundamental hydrography is to our safe and efficient use of the oceans.

The IHO is proud of its active role in supporting UNCLOS. We welcome those resolutions that enhance safety of navigation, increase the conducting of modern hydrographic surveys and improve the availability of accurate nautical charts and information. Capacity-building is central to this increased activity. The IHO congratulates the United Nations and the Division of Ocean Affairs and Law of the Sea on its success and on the twentieth anniversary of the Convention.

The Acting President: In accordance with General Assembly resolution 54/195 of 17 December 1999, I now call on the Observer of the International Union for the Conservation of Nature and Natural Resources.

Mr. Waugh (International Union for the Conservation of Nature and Natural Resources): The World Conservation Union (IUCN) is honoured to address the General Assembly on the subject of ocean affairs and the law of the sea. We have long acknowledged the United Nations Convention on the Law of the Sea (UNCLOS) as the jurisdictional framework for the conservation and sustainable use of marine biodiversity and protection of the marine environment. It provides a solid foundation for strengthening international cooperation and equity in ocean use and for improving the means to ensure that present and future generations benefit from commonly-owned resources.

IUCN would like to join others in commending the Division for Ocean Affairs and the Law of the Sea for the breadth and quality of its comprehensive annual reports, which provide the essential background for advancing coordinated, integrated oceans initiatives that support an ecosystem approach. IUCN is pleased with the developments in the law of the sea, but we think that more is needed to implement some of the provisions.

We note in particular that an ecosystem-based approach, such as to large marine ecosystems, is an important tool for the management of our oceans; that regional approaches must be strengthened to support the implementation of the law of the sea; that work on sustainable fisheries, particularly efforts to address illegal, unreported and unregulated fishing, must be further developed, building upon the law of the sea; and that the development of a representative system of marine protected areas is an important part of ensuring the sustainability of the exclusive economic zone and high seas.

We encourage States to meet the target set out in the Plan of Implementation of the World Summit on Sustainable Development (WSSD) for application of an ecosystem approach to oceans and seas by 2010. For more than a decade, IUCN has been collaborating with United Nations agencies and coastal States in the development of an approach to large marine ecosystems with the goal of reducing pollution, habitat loss and overfishing by generating knowledge and promoting management practices that sustain the productive potential of ecosystem goods and services.

In keeping with the ecosystem approach, IUCN is a strong supporter of regional approaches to ocean assessment and management. We would like to underscore the importance of strengthened regional arrangements that promote integrated marine, coastal and watershed management; joint initiatives to address shared problems; and well-coordinated domestic and international support focused on needs and priorities defined in each region. Such arrangements should, of course, implement oceans-related conventions — regional and global — in a coordinated and mutually reinforcing manner.

Support for science-based approaches is critical. We fully support the global marine assessment and reporting process and welcome the endorsement of the collaboration of non-governmental organizations in this venture. It is important to point out that, if the global assessment is to build on existing regional assessments, as contemplated, significant shortcomings in several regions will have to be addressed in the arrangements for monitoring, data collection, data interpretation and reporting. The responsibilities of the global process in supporting, complementing and synthesizing

assessment processes carried out at lower levels will have to be clearly specified.

Pursuing sustainable fisheries is a vital element in reducing biodiversity loss. IUCN would like to draw attention to WSSD's call for international cooperation and support to achieve, by 2010, a significant reduction in the current rate of loss and to WSSD targets on sustainable fisheries. The time frame should be regarded as quite generous in many instances and attempts should be made to reach the targets earlier when possible.

In particular, we urge the international community to take concerted action to make progress in implementing the Plan of Action of the Food and Agriculture Organization of the United Nations to curb illegal, unreported and unregulated fishing. This includes support for developing coastal States to apply and enforce national regulations and a more complete and robust system of high-seas fisheries governance; to ensure adequate knowledge; and to detect, target and bring to justice those who ignore international standards and the measures adopted by regional fishery management bodies. We cannot afford to place responsible fishers at a disadvantage vis-à-vis illegal, unreported and unregulated fishing and thus erode existing safeguards for sustainable fisheries.

We welcome the call for the establishment of representative networks of marine protected areas by 2012 based on sound science and consistent with international law, a goal long supported by IUCN. Marine protected areas form a vital component of an ecosystem-based management approach. IUCN also welcomes the emphasis on urgency in managing risks to marine biodiversity of seamounts and other underwater features.

In this context, we would like to draw attention to IUCN resolution 2.20, adopted at the Second World Conservation Congress in Amman, Jordan, in 2000, which calls on the Director General of IUCN to work with IUCN members, partners and multilateral agencies to explore an appropriate range of tools, including high seas marine protected areas, with the objective of implementing effective protection, restoration and sustainable use of biological diversity and ecosystem processes on the high seas.

In furtherance of that resolution, IUCN and its World Commission on Protected Areas have been developing the concept of a global representative system of marine protected areas. IUCN and its partners have initiated a project to explore the potential for protected areas beyond national jurisdiction, building on the United Nations Convention on the Law of the Sea. The next step is a workshop of scientists and legal experts, to be held in early 2003. We look forward to keeping the international community informed of this initiative and to contributing to deliberations in the Consultative Process on protecting vulnerable marine ecosystems.

IUCN welcomes the General Assembly's reaffirmation of WSSD commitments to maintaining the productivity and biodiversity of important and vulnerable marine areas, including in areas within and beyond national jurisdiction. We urge States to collaborate in developing the scientific basis for identifying and respecting such areas and to ensure appropriate coordination of national, regional and global action.

Finally, on the issue of inter-agency coordination and cooperation, IUCN would like to encourage collaboration with non-governmental entities, as appropriate. This would implement the new spirit of partnership and enhance accountability. The new mechanism will need close ties with strengthened regional arrangements so that it is responsive to the concerns of each region.

The Acting President: In accordance with General Assembly resolution 51/6 of 24 December 1996, I call on the observer of the International Seabed Authority.

Mr. Odunton (International Seabed Authority): I wish to express the appreciation of the International Seabed Authority to the delegations that have expressed their support for the work of the Authority. I also wish to express appreciation for the various references to the Authority in draft resolution A/57/L.48/Rev.1, which is now before the Assembly, particularly those in parts V and VI, in which the Assembly notes with satisfaction the first examination by the Council of annual reports on the progress of exploration for polymetallic nodules submitted by the contractors to the Authority, as well as the preliminary discussion of issues relating to the development of regulations for prospecting and exploration for polymetallic sulphides and cobalt-rich crusts.

I am particularly pleased to see the Assembly reiterate the importance of the elaboration by the

Authority of rules, regulations and procedures to ensure the effective protection of the marine environment from harmful effects that may arise from activities in the international seabed area. The emphasis on this element of the Authority's work is welcome and consistent with one of the main areas of focus in the work of the Authority — information-gathering and the establishment and development of databases of scientific and technical information with a view to obtaining a better understanding of the deep-ocean environment. Discussions both in the Legal and Technical Commission and in the workshops organized by the Authority have highlighted the need for scientists and researchers to collect and exchange data and information according to international standards and, in the case of the Authority, to reconcile the available data and information from different sources and to evaluate and draw conclusions from them.

As we mentioned at the Meeting of States Parties earlier this year, the other main area of focus for the Authority is to promote and encourage the conduct of marine scientific research in the Area and to coordinate and disseminate the results of such research. The Authority has already firmly established a role for itself as a forum for cooperation and coordination of marine scientific research in the Area through its programme of scientific and technical workshops. It is continuing to build on this by developing joint research programmes with leading institutions. Four initial areas of research have been identified: biodiversity, species ranges and rates of gene flow in the nodule areas, burial sensitivity of deep-sea animals and their responses to disturbance, impacts on the ocean layers above a mine site from mining operations, and natural variability in deep-ocean ecosystems. Research will be conducted through collaborative efforts by international groups of scientists from established institutions and from the contractors. The first research cruise for the collection of samples will begin in February 2003.

Better and more transparent mechanisms, however, need to be developed to ensure that, in accordance with the broad principles contained in article 143 of the Convention, the benefits of marine scientific research in the Area are shared on an equitable basis. In this regard, it will become necessary for the Authority to give more detailed consideration as to how best to coordinate and disseminate the results of marine scientific research, as required by the Convention.

Operative paragraph 17 of draft resolution A/57/L.48/Rev.1 refers to the prompt payment of dues to the Authority and to the Tribunal. I would like to take this opportunity to urge those member States that have not yet done so to pay their contributions to the administrative budget of the Authority in full and on time. I am pleased to say, however, that the response to previous requests by both the Assembly of the Authority and this Assembly has been encouraging and that the majority of Member States have fulfilled their obligations promptly. I am also pleased to inform the Assembly that in September this year, the United States, which was a provisional member of the Authority, paid its arrears in full.

Payment of dues alone, however, is not sufficient to ensure the proper functioning of the Authority. It is important to recognize that the institutions established under the Convention cannot function properly without the support and participation of all States Parties or Members. In the case of the International Seabed Authority, such participation is unfortunately lacking. Over the past few sessions, the Authority has not been able to obtain a quorum at the meetings of its Assembly. This threatens the ability of the Authority to take important decisions. Unfortunately, at this year's session of the Assembly, a general debate on future directions for the Authority did not benefit from broad participation, owing to poor attendance.

This year we celebrate the twentieth anniversary of the adoption of the Convention and its opening for signature. As the draft resolution rightly recalls, the Convention provides the legal framework within which all activities in the oceans and seas must be carried out. While the Convention has provided much-needed certainty and stability in international law of the sea, it must be recognized that there could be continuing practical problems in the implementation of some of its provisions. There will always be areas in which further progress needs to be made within the framework of the Convention. Some of the most urgent current issues in this regard, which are noted in the various draft resolutions before the Assembly, relate to transportation and fisheries.

I take note of paragraph 60 of draft resolution A/57/L.48/Rev.1, which endorses the continuation of the informal process. It is a clear recognition that the

process was not only necessary but also achieved its goal of providing a forum for discussion of current issues relating to the law of the sea. What is important is that it has succeeded in becoming a multidisciplinary forum for discussion and responds to the need for coordination of ocean-related issues at the global level. In this regard, it is very encouraging that we have had good participation from international agencies and bodies concerned with ocean issues. I hope that we can look at the procedures again to ensure that the objective of encouraging such participation and interaction between representatives of agencies competent in particular fields and representatives of States is achieved.

The Acting President: I wish to thank the observer of the International Seabed Authority for his brevity.

We have heard the last speaker in the debate on agenda item 25, and its sub-items (a) through (c).

We will now proceed to consider draft resolutions A/57/L.48/Rev.1, A/57/L.49 and A/57/L.50.

I give the floor to the representative of the Secretariat.

Ms. Boivin: Under the terms of operative paragraph 60 of draft resolution A/57/L.48/Rev.1, the General Assembly:

> "Reaffirms its decision to undertake an annual review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea, welcomes the work of the Open-ended informal consultative process on oceans and the law of the sea ("the Consultative Process") over the past three years, notes the contribution of the Consultative Process to strengthening the General Assembly's annual debate on oceans and the law of the sea, and decides to continue with the Consultative Process for the next three years, in accordance with General Assembly resolution 54/33, with a further review of its effectiveness and utility at the sixtieth session".

Also, under the terms of operative paragraph 61 of the same draft resolution, the General Assembly:

> "Requests the Secretary-General to convene the meeting of the Consultative Process in New York from 2 to 6 June 2003, and to provide it with the necessary facilities for the performance of its work and to arrange for support to be provided by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, in cooperation with other relevant parts of the Secretariat, including the Division for Sustainable Development of the Department of Economic and Social Affairs, as appropriate".

Pursuant to this aforementioned request, the Consultative Process will meet from 2 to 6 June 2003 for a total of 10 meetings with interpretation in all 6 languages. Documentation requirements are for 100 pages of pre-session, 75 pages of in-session and 50 pages of post-session to be issued in all six languages. The Consultative Process will continue its work during the fifty-eighth and fifty-ninth sessions of the General Assembly, with dates to be determined in consultation between the substantive secretariat and the Department of General Assembly and Conference Management, subject to availability of conference services.

The conference servicing requirements at full cost for the five-day meeting from 2 to 6 June 2003 is estimated at $374,084.

With regard to 2003 meetings, the extent to which the Organization's capacity would need to be supplemented by temporary assistance resources can be determined only in the light of the Calendar of Conferences and Meetings for the biennium 2002-2003. However, provision is made under the relevant section for conference services of the proposed programme budget for the biennium 2002-2003, not only for meetings programmed at the time of budget preparations, but also for meetings authorized subsequently, provided that the number and distribution of meetings are consistent with the pattern of meetings of past years.

Consequently, should the General Assembly adopt the draft resolution, no additional appropriation would be required. The conference servicing requirements for 2004 and 2005 will be included in the context of the preparation of the proposed programme budget for the biennium 2004-2005.

The Acting President: I thank the representative of the Secretariat.

I shall now call on those representatives who wish to speak in explanation of position before action is taken on the draft resolution. May I remind

delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

I now give the floor to the representative of Turkey.

Mr. Uykur (Turkey): Regarding the three draft resolutions before us on agenda item 25, oceans and the law of the sea, Turkey will vote against the draft resolution contained in document A/57/L.48/Rev.1, entitled "Oceans and the law of the sea". The reason for my delegation's negative vote is that some of the elements contained in the United Nations Convention on the Law of the Sea, which had prevented Turkey from approving the Convention, are once again retained in this year's draft resolution.

Turkey supports the international efforts to establish a regime of the sea which is based on the principle of equity and which can be acceptable to all States. However, the Convention does not make adequate provisions for special geographical situations and, as a consequence, is not able to establish an acceptable balance between conflicting interests. Furthermore, the Convention makes no provision for registering reservations on specific clauses. Although we agree with the Convention in its general intent and with most of its provisions, we are unable to become a party to it because of those serious shortcomings. That being the case, we cannot support the draft resolution, which calls on States to become parties to the Convention of the Law of the Sea and to harmonize their national legislation with its provisions.

As for the draft resolution entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks", contained in document A/57/L.50, my delegation wishes to reaffirm its position, which I have just elaborated, vis-à-vis the Convention on the Law of the Sea. For the above-mentioned reasons, we are unable to give our consent to certain references to the Convention made in that draft resolution, particularly to paragraph 3, in which States are called upon to become parties to the Convention. In that respect, Turkey disassociates itself from the consensus on that particular paragraph.

Ms. Pulido (Venezuela) (*spoke in Spanish*): The delegation of Venezuela has always supported international efforts aimed at promoting international cooperation and coordination on oceans and the law of sea.

However, despite the fact that two decades have passed since the opening for signature of the United Nations Convention on the Law of the Sea, the reasons for which Venezuela has not become a party to that instrument continue to exist. We therefore wish to note that my delegation has difficulties with some aspects contained in the draft resolution on the Convention, submitted in document A/57/L.48/Rev.1 under agenda item 25 (a), which is being submitted to the General Assembly today for consideration. Venezuela is not a party to that instrument, and the provisions of the instrument, which has not been expressly accepted, are therefore neither acceptable nor unacceptable to Venezuela. For those reasons, we will abstain in the vote on this item.

Mr. Akamatsu (Japan): The Japanese delegation would like to explain its position before voting on the three draft resolutions before us.

First of all, I would like to discuss draft resolution A/57/L.50, entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

As a responsible fishing State, Japan is committed to making serious efforts on its own, as well as in cooperation with other States or entities concerned, to ensure the conservation and sustainable use of living marine resources, including straddling fish stocks and highly migratory fish stocks.

However, with regard to the United Nations Fish Stocks Agreement, as it has stated on many occasions, Japan is confronted with certain problems with respect to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean that have not yet been resolved through the preparatory process. Although it hopes that they will be resolved in the near future, Japan is not in a position to become a party to the United Nations Fish Stocks Agreement for now. It is regrettable that, despite our active participation in the drafting process, this finalized draft resolution has failed to properly reflect the position of such a State as Japan, which, although not yet a party to the

Agreement, is fully involved in addressing the issue of the conservation, management and sustainable use of straddling fish stocks and highly migratory fish stocks.

In the light of those considerations, Japan will dissociate itself from the consensus adoption of draft resolution A/57/L.50. It does not, however, oppose its adoption.

Let me turn to draft resolution A/57/L.49, entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments".

Illegal, unreported and unregulated (IUU) fishing is a grave issue. Japan considers such practices as threats to the conservation and sustainable use of living marine resources and has been addressing that issue as a matter of priority.

The draft resolution, which is to be adopted by consensus, addresses a wide range of important issues confronting fisheries today, including the elimination of IUU fishing, as well as the enhancement of control over fishing vessels by flag States, the implementation of International Plans of Action of the Food and Agriculture Organization of the United Nations (FAO) and consideration of the ecosystem in the conservation and management of marine living resources.

In the light of Japan's position with respect to the United Nations Fish Stocks Agreement, we have to say that the finalized draft resolution resulting from our extensive negotiations does not entirely reflect Japan's position. However, since the draft resolution addresses important challenges and since Japan can go along with it to a certain extent, Japan has decided to associate itself with the adoption by consensus.

Allow me to touch upon the resolution A/57/L.48/Rev.1, entitled "Oceans and the law of the sea".

The Government of Japan would like to express its deep gratitude to all delegations that have worked so hard in negotiating the text in a cooperative manner.

However, Japan finds it difficult to join as a sponsor of that draft resolution, in view of its reference to the United Nations Fish Stocks Agreement, a problem that I discussed earlier. Japan, nevertheless, recognizes that adoption of that kind of comprehensive and forward-looking draft resolution on the oceans and the law of the sea befits this special occasion of the commemoration of the twentieth anniversary of the opening for signature of the United Nations Conference on the Law of the Sea.

Moreover, Japan has committed itself to complying with and to developing further the United Nations Convention on the Law of the Sea, which contributes to the legal order for all ocean affairs, thus facilitating the principle of the peaceful uses of oceans. Therefore, Japan has decided to vote for draft resolution A/57/L.48/Rev.1, in view of the significance of its contributions in the area of ocean affairs as a whole.

Lastly, Japan welcomes new operative paragraph 48, which refers to oil-spill incidents. I would like to emphasize that, as Japan has itself recently experienced two stranded cargo vessels in its coastal areas, Japan is concerned about the environmental, as well as the socio-economic damage, caused by oil spills as a result of maritime vessel accidents.

The Acting President: We have heard the last speaker in explanation of vote before the vote.

The Assembly will now take a decision on draft resolutions A/57/L.48/Rev.1, A/57/L.49 and A/57/L.50.

We will first turn to draft resolution A/57/L.48/Rev.1, entitled "Oceans and the law of the sea".

Before proceeding to take action on the draft resolution, I should like to announce that, since the introduction of the draft, the following countries have become sponsors of draft resolution A/57/L.48/Rev.1: Dominica, Grenada, Honduras, Romania, South Africa, Suriname and Trinidad and Tobago.

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Algeria, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Chile, China, Costa Rica, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea,

Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mexico, Micronesia (Federated States of), Monaco, Morocco, Myanmar, Namibia, Nauru, Nepal, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yugoslavia, Zambia

Against:

Turkey

Abstaining:

Colombia, Venezuela

Draft resolution A/57/L.48/Rev.1 was adopted by 132 votes to 1, with 2 abstentions (resolution A/57/141).

The Acting President: We turn next to draft resolution A/57/L.49, entitled "Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas/illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments".

Before proceeding to take action on the draft resolution, I should like to announce that, since the introduction of the draft, the following countries have become sponsors of A/57/L.49: Barbados, Belize, Guinea, Madagascar and South Africa.

May I take it that the Assembly decides to adopt draft resolution A/57/L.49?

Draft resolution A/57/L.49 was adopted (resolution 57/142).

The Acting President: We turn next to draft resolution A/57/L.50, entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".

Before proceeding to take action on the draft resolution, I should like to announce that, since the introduction of the draft, the following countries have become sponsors of A/57/L.50: Barbados, Guinea, Madagascar and South Africa.

May I take it that the Assembly decides to adopt draft resolution A/57/L.50?

Draft resolution A/57/L.50 was adopted (resolution 57/143).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 25 and its sub-items (a) to (c)?

It was so decided.

Programme of work

The Acting President: I would like to make an announcement regarding the informal consultations of the plenary on agenda item 53, entitled "Revitalization of the work of the General Assembly", that had been scheduled for 16 December 2002.

As indicated in a letter that the President of the General Assembly addressed to Permanent Representatives on 4 December 2002, I should like to inform the Assembly that the informal consultations are postponed to early January of next year.

Before adjourning the meeting, I would like to announce that the next plenary meeting of the General Assembly will be held on Monday morning, 16 December 2002, to take action on draft resolutions of the plenary that are ready for action.

The meeting rose at 1.30 p.m.